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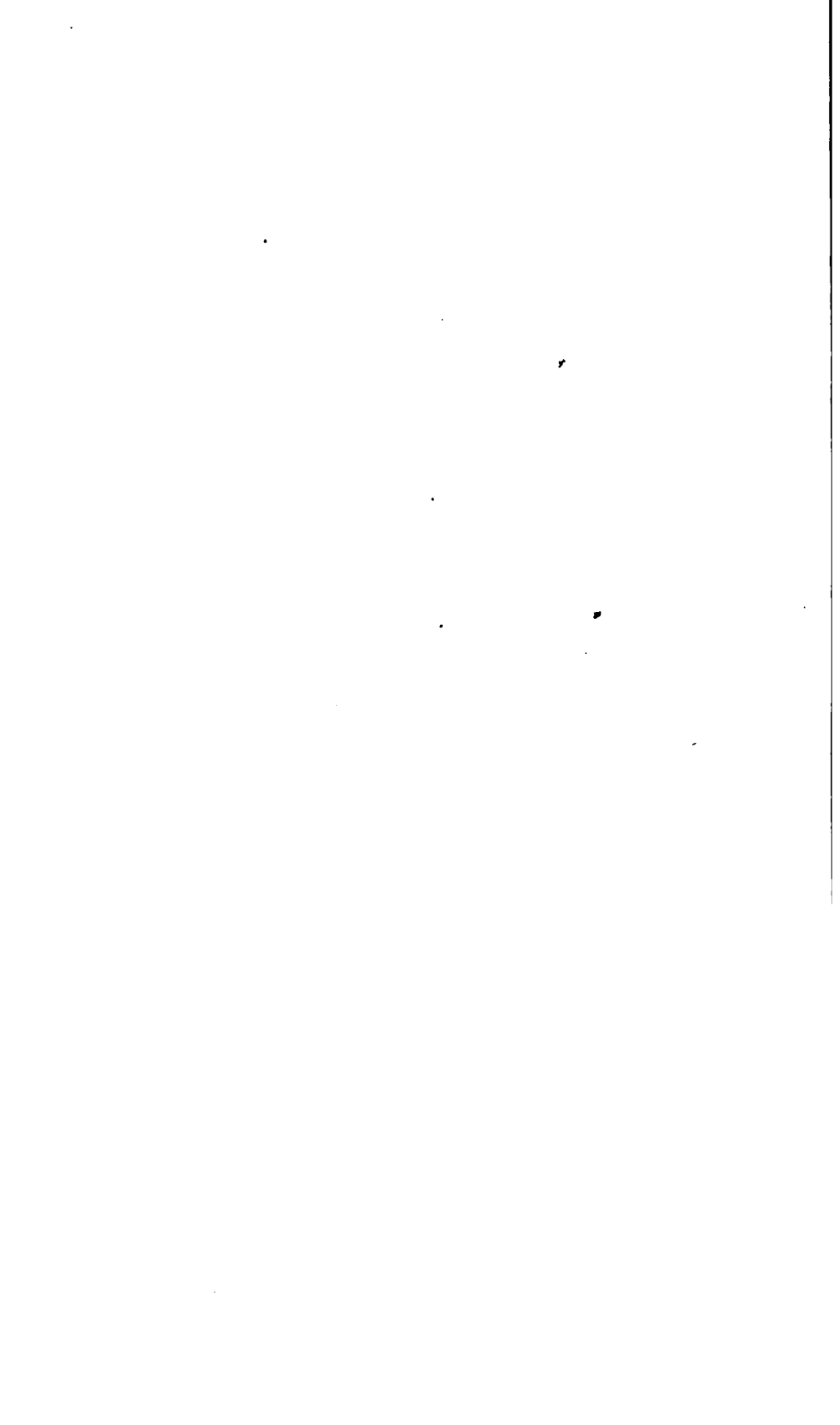
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HISTORY
OF THE
CASTLE, PRIORY, AND TOWN
OF
TUTBURY.



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Turner's 'Rain, Steam, and Great Bridge'.

THE GREAT BRIDGE, LONDON, 1809.

Painted by J. M. W. Turner, 1809.

HISTORY
OF THE
CASTLE, PRIORY, AND TOWN
OF
TUTBURY,
IN THE COUNTY OF STAFFORD:

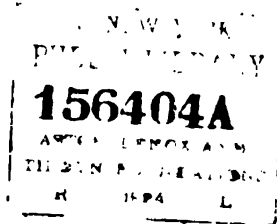
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1832.

H.T.



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G.D.

PREFACE.

I PROMISE my readers that I will not weary their patience by many prefatory remarks; but in presuming to lay before the public a work of this nature, I feel it my duty in a few words to explain the motives which induced me to do so.

From an early period of my life, the contemplation of those interesting ruins, which form the chief feature of that fertile district wherein it has pleased the Almighty to cast my lot, excited in my mind an ardent desire to learn something of their origin, and I eagerly sought from books the required information. Scanty, however, were the materials thus procured: I found that no distinct history of the castle of Tutbury had ever been published, and the notice taken of it in the topographical works relating to the county was meagre and unsatisfactory in the extreme. To private records and unpublished manuscripts I was, therefore, obliged to have recourse, and through the kindness of my friends in the office of the

duchy of Lancaster, I found a rich reward for the diligent search I made there. The British museum also furnished me with documents of great value, and the private letters and memoranda of several ancient families in the neighbourhood, completely satisfied my remaining curiosity upon the subject.

I was repeatedly urged to publish what I had thus collected; but my unwillingness to become an author, added to an increased demand upon my time from other engagements, would have consigned my manuscripts perhaps to entire oblivion, had not a fortuitous circumstance occasioned their appearance in print. The remarkable discovery of a quantity of old coins in the river Dove below Tutbury bridge, during the early part of the last summer, naturally produced in the public mind a degree of curiosity to know how they became deposited there, and the inquiry was so intimately connected with the ancient history of Tutbury, as to call forth an universal demand for some publication respecting it. It was generally known in the neighbourhood that I had in my possession materials for such a purpose; and Mr. Hobson, a bookseller recently settled at Tutbury, requested me to favour him with the perusal of them, with a view to their being printed. I expressed my readiness to accede to his wishes; but upon turning to my manuscripts I found them in a state so confused and imperfect, as to require much previous arrangement before I could venture to submit them to the public; and

I necessarily became involved in this dilemma, either to refuse him access to them altogether, or to enter upon their arrangement myself. I adopted the latter course; with what success I am not competent to judge. Mr. Hobson undertook the risk of the publication upon my giving him all the profits that might arise therefrom, and reserving to myself a few copies only.

The task I had thus undertaken was certainly greater than I had anticipated. I perceive there is much difficulty in rendering a topographical history sufficiently interesting to the general reader, and although I have endeavoured to relieve it by occasional anecdotes of singular occurrences in past times, I fear there are parts of this work which will still appear dull and tedious to such of my readers as are not endued with the spirit of an antiquary.

Whatever reception it may meet with from the scrutinizing eye of the critic, I shall have at least the consolation of knowing, that I have been the humble instrument of rescuing from the obscurity, in which it was before involved, the history of those venerable ruins, where once the ancient earls of Derby and dukes of Lancaster held their festive courts, and where the unfortunate Mary lingered away many a long hour of her hopeless captivity.

The description of the priory, of which so splendid a relic still exists, and that of the primeval forest of Needwood, which has within memory only been despoiled of its sylvan beauties, have also afforded me a

pleasure, in which I sincerely hope the reader will participate. Had I entered more at large into an account of the towns and places within the extensive honor of which this castle became the head, another volume of equal magnitude with the present would have at least been required: my own time would have been too much occupied, and the reader's patience exhausted by such an undertaking; I therefore thought it more prudent to limit my plan, and to content myself with the slight notices of them which will be found in the subsequent pages.

Several curious documents will be met with in the appendix, which could not conveniently be comprised in the body of the work. It was thought better to preserve their peculiar orthography and phraseology, rather than to deprive them of any portion of their venerable antiquity.

Upon the whole I humbly conceive, that the work will not disappoint the fair expectations of the more distant reader, who is anxious to obtain some acquaintance with the events which have transpired in this portion of the kingdom, and that the local information herein conveyed will be doubly interesting to those who reside in the immediate vicinity of Tutbury.

*Rolleston Hall,
June 14th, 1832.*

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THE
HISTORY
OF THE
CASTLE, PRIORY, AND TOWN
OF
TUTBURY.

HISTORY OF THE CASTLE.

THE origin of the castle of Tutbury, is involved in the impenetrable darkness of remote antiquity. There can be no doubt, that a place presenting such natural advantages for a military position, would attract the early attention of the several nations, who successively possessed themselves of the central portion of our island; but when and by whom this castle was first erected, we have no historical record to assist us in discovering. Either the river Dove¹ or Derwent, formed the boundary between two Celtic tribes, to whom the Romans gave the names of Cornavii and Coritani; and it is possible, that this might have been one of a line of forts, which the former tribe had erected for the protection of their territory. Some

¹The Dove was so called from the British word "dwfr", (water); and the Derwent, from the British "dwr", (water), and "gwin", (white).

slight indications appear, of its having been occupied by the Romans² during their abode in Britain; but, even should that supposition be correct, it differs so much, both in site and extent, from the other military stations of that warlike people, which can still be traced in this kingdom, that we should not be justified in assigning to it a Roman origin.³ The eminence on which it stands, might have been consecrated to Teutas or Teutates,⁴ the title under which the Gauls and ancient Britons worshipped the Latin Mercury, and the termination of its present name might have been added by the Saxons, as soon as a burgh or town arose in the vicinity; but I am more inclined to deduce the name and first erection of this town from the Saxons alone, who dedicated it to their idol Tuisto,⁵ as they did another town in the same county of Stafford to their idol Woden.⁶ Under the Saxon heptarchy this castle and town were comprised within the limits of the extensive kingdom of Mercia. The fertile valleys of the Dove and Trent were the favourite resorts of the Mercian kings, and in the old abbey of Reopandune, now Repton, the bones of several of them were deposited. The first of these kings who was converted from Paganism, was Peda, the son of Penda, who, in

²The designation of "the Portway", which the nearest road from Tutbury to the Roman Ickneild Street still retains; the name of Julius' Tower, formerly applied to the keep of Tutbury castle; and the discovery of a number of Roman coins at Callingwood, about three miles from the castle on one side, and at Cubley, nearly seven on the other — strengthen this conjecture.

³See King's Munimenta Antiqua.

⁴See Lact. Div. Inst. i. 21; Luc. i. 440.

⁵See Tacitus de Moribus Germanorum. Tutbury, i. e. the borough of Tuisto: — *Verstegan's Antiq.*

⁶Woden's burgh, now called Wednesbury.

the year of our Lord 653, embraced the Christian religion.⁷ The idolatrous worship of Tuisto was then discontinued; but Tutbury retained its importance as a place of security in the predatory warfare, which the Mercians carried on with the petty states around them. Leland is of opinion, that it was the palace of Offa, or Kenulph, kings of Mercia; and it is nearly certain, that Ethelred, another of these kings, made this castle one of his principal places of residence; and upon his accession to the throne, in A. D. 674, he granted to his niece, the pious Werburga, the neighbouring village of Hanbury, where she erected a nunnery, in which she was afterwards buried.⁸ It is worth recording, perhaps, that in a subsequent confirmation of this grant by king Wiglaf, amongst the other possessions of this religious house, mention is made of salt pits,⁹ the situation of which was unknown until within these few years, when a spring of that description was discovered in lands, near Draycott, belonging to Lord Vernon. After a peaceful interval of two hundred years, from the accession of Ethelred, the town and castle of Tutbury, together with the monastery of Hanbury, were overwhelmed in one common destruction by that formidable irruption of the Danes who drove the last of the Mercian sovereigns from his throne. In the winter of the year 874 the Danish forces established themselves at Repton, from whence they subdued and laid waste the whole of the surrounding country;¹⁰

⁷ Bede, lib. iii. cap. 21; and Saxon Chronicon, p. 33.

⁸ Polychronicon Ranulphi Higdeni.

⁹ Harleian MSS., Num. 66, Excerpta è Cartular. S. Albani.

¹⁰ Saxon Chronicon.

and the terrified inhabitants of Hanbury, having witnessed the total demolition of their monastery, transported the remains of their beloved and sainted Werburga to the distant city of Chester, where her shrine was in after ages frequented by crowds of devotees.¹¹

From this fatal period the castle remained a ruin, until after the Norman Conquest, and the ferocious Danes continued to exercise their tyrannical sway in its vicinity for more than forty years, when the Saxons, assisted by the brave Ethelfleda, daughter of Alfred the Great, succeeded in expelling them from this part of the kingdom:¹² their triumph, however, was but transitory; the Danes returned, and a second time became masters of the country, until at length (A. D. 1012) the Saxon inhabitants, goaded by oppression and driven to despair, eagerly embraced king Ethelred's plan, of extirpating the whole race by one general massacre, and the opening scene of this bloody tragedy is actually fixed by an ancient historian at Houndhill, about five miles distant from Tutbury.¹³

Upon the Norman Conquest King William granted the town and castle of Tutbury to Hugh de Abrincis, who, soon afterwards, upon his acquiring the more ample domains of the earls of Chester,¹⁴ surrendered them again into the king's hands; and they were then bestowed upon his favourite, Henry de Ferrariis, or Ferrers. That nobleman was highly esteemed by his sovereign on account of his political knowledge and

¹¹ Polychronicon R. Higdeni.

¹² Saxon Chronicon.

¹³ Holinsbed's Chron.

¹⁴ Dugdale's Baronage, vol. i. pages 257 and 33.

integrity; and, in the fourteenth year of his reign, he was appointed, by him, one of the commissioners to take a general survey of the kingdom, the same which is now known under the appellation of "Doomsday Book": from which survey it appears, that he then held the castle of Tutbury, with seven lordships in Staffordshire, thirty-five in Leicestershire, six in Warwickshire, three in Nottinghamshire, and ninety-five in Derbyshire, besides other estates in different parts of the kingdom. Having thus become the sole proprietor of an extensive territory, which, previous to the Conquest, had belonged to many independent Saxon lords, Henry de Ferrers required a central residence, for the maintenance of his power and the protection of his lands. What place could he have fixed upon, so well adapted in every respect to gratify his wishes and to meet his wants, as the site of the ruined fortress of Tutbury? An unreclaimed tract of forest and woodland approached its walls on one side, whilst, on the other, a fine valley of productive meadows opened, as far as the eye could reach, along the banks of the fertilizing Dove: the pleasures of the chase, combined as they were here with the advantages of a cultivated district, rendered this spot of all others the most desirable to a Norman chieftain, for the purpose of a permanent abode. We accordingly find, that he rebuilt the castle, but on a plan so much more capacious and splendid than that of the original, as to induce some historians to give him the credit of its first erection.¹⁵ As no remains of his building are now to be traced, a

¹⁵ Camden's *Britannia*, vol. ii. p. 378; but the former grant to Hugh de Abrincis, proves him to be incorrect in this statement.

more distinct account cannot be expected; but it is probable, that he restored the keep, excavated the foss, and inclosed the whole of the present area within the walls of his castle. It is noticed in Domesday Book, that there were, at this early period, forty-two men living in the town around the castle, who supported themselves by trade alone, and that the annual rental of it, including the market, was four pounds ten shillings. The corn-mill and the lands adjoining, were then included within the boundaries of Rolleston; the parks of Castle Hays, Rolleston, Stockley, and Highlands, with all the intermediate parts of the parish of Tutbury, had not yet been separated from the forest of Needwood; so that the productive grounds around the castle were too inconsiderable to be mentioned in this survey.

Previous to the completion of his other improvements, Henry de Ferrers founded in the immediate vicinity of this castle a priory,¹⁶ which he and his wife Bertha richly endowed; but, as a full account of this religious house will be given in its proper place, I shall content myself by observing here, that the beautiful doorway which still presents so attractive an entrance to the parish church, formed a part of this building, and was erected under his directions by Norman architects. The foundation charter of this priory bears the date of 1080, and the church attached to it was finished before 1089; for we then find that the body of its founder was deposited therein: it is, therefore, certain, that this doorway must have been built in the interval. The following is the inscription which is said to have been placed upon his monument there:

¹⁶ See Register of Tutbury Priory in the Herald's Office.

*"Hic jacet Henricus de Ferrariis Comes, hujus
Ecclesiæ fundator, Imago nomine cujus
Anno milleno Domini quater atque viceno
Tutburisæque novo domus est fundata patrono.*

*"Anno 1089, 2d Gul. Rufi."*¹⁷

Henry de Ferrers had by his wife Bertha three sons — Eugenulph,¹⁸ to whom he gave a castle at Duffield, and William,¹⁹ who is said to have accompanied Robert Duke of Normandy to the Holy Land; both of them died during the life of their father; and Robert de Ferrers, his third son, succeeded to his large estates. This Robert,²⁰ in the third year of King Stephen's reign, accompanied William Peverel, Earl of Nottingham, and several other nobles, who undertook to repel the invasion of David, King of Scotland; and, in consequence of the personal valour he then displayed, King Stephen created him an Earl. Thurstan, Archbishop of York, had recourse to a new mode of encouraging the forces under their command: he caused a famous standard to be erected, bearing banners dedicated to St. Peter, St. John, and St. Wilfrid, with a portion of the consecrated host thereon; and his deputy, the Bishop of Durham, made a speech to the army from beneath it. Robert de Ferrers had

¹⁷ *Magna Britannia*, vol. v. p. 155.

¹⁸ MSS. in *Duc. Lanc. Off.*

¹⁹ *Matt. Paris*, and *Ralph Brooke's Catalogue*.

²⁰ *Ailred Rieval de Bello Standardico*, and *Historia Ric. Prioris Hagustald*. *Matt. Paris*, &c.

brought with him a body of soldiers, whom he had raised in Derbyshire and the other parts around his castle; and he adopted another plan of animating his troops: he promised a grant of land on the most frequented side of his forest of Needwood to that man, who should perform the greatest feats of valour. These methods of encouragement had the desired effect: the hostile armies met in conflict near North Allerton, and after an obstinate resistance the Scotch forces were defeated with great loss. The Derbyshire men were conspicuous throughout the whole battle for their bravery; and, upon their return from the campaign, the promised land was claimed by one Ralph,²¹ to whom and his heirs the grant of it was confirmed by Earl Ferrers, under the name of *Boscum calumpniatum*, *Callingwood*, or the *Claimed Wood*.

In 1139, the year after this memorable contest, Robert Earl Ferrers died,²² and was succeeded by a son of the same name, who styled himself, Robert, Earl Ferrers the Younger, and Earl of Nottingham,²³ which title he assumed in right of his wife, Margaret, daughter of William Peverel, Earl of Nottingham. Mention is also made of William de Ferrers,²⁴ an elder brother of this second earl, who was known under the appellation of the Earl of Tutbury, but was slain at his lodgings in London during his father's lifetime.

This second Robert de Ferrers confirmed and enlarged the former grants made to the priors of Tut-

²¹ MSS. in Duc. Lanc. Off.

²² John Hagustald, 365, l. 52.

²³ Register of Tutbury Priory.

²⁴ Brooke's Catalogue.

bury; and he also founded a priory at Darley, near Derby, and an abbey at Mirevale, in the county of Warwick, where he was buried in the year 1162.²⁵

William, his successor, appears to have joined the king's sons in a rebellion against their father, Henry the Second, and to have plundered and burned the town of Nottingham,²⁶ because that king would not admit his title to the earldom of that place; but when he saw his castle of Tutbury closely besieged by a body of Welshmen, and the king marching against him with a second army, he thought it best to avert the approaching storm, and submitted himself to the king at Northampton. He subsequently accompanied King Richard the First to the Holy Land, and died there at the siege of Acre in 1190,²⁷ leaving, by Sibilla de Braose, his wife, besides three younger sons,

William, Earl Ferrers, who inherited his estates, and greatly extended them by the additions mentioned hereafter. In the first year of the reign of King John, he was created Earl of Derby, by a special charter dated at Northampton, and the king himself girded him with a sword upon that occasion:²⁸ by this charter also he had a grant of every third penny, arising out of all pleas made before the sheriff of the county of

²⁵ *Monasticon Anglicanum*, vol. ii. 231, and *Register de Mirevale*.

²⁶ See Roger Hoveden, who mistakes his Christian-name, calling him Robert instead of William; and this mistake appears to have led Dugdale into an error in the pedigree of these earls, but the *Register of Tutbury Priory* clearly proves the descent to have been as I have here stated.

²⁷ *Annals of Burton Abbey*. Matt. Paris, and Roger Hoveden.

²⁸ *Dugdale's Baronage*, vol. i. 260.

Derby. In the same year he received from the crown, upon payment of £.70 annually into the exchequer, the manors of Wirksworth and Ashbourn, together with the whole wapontake, which from that time to the present, have continued to form part of the *Honor of Tutbury*. In addition to these grants, he also obtained a part of the lands which had belonged to his great-grandfather, William Peverel, in the county of Northampton, upon payment of two thousand marks, and releasing to the king all claim to the residue of those estates. The year following the king also surrendered to him the service of William de Greseley and his heirs for his lands at Drakelow, in the county of Derby, which he held by the annual delivery of a bow and quiver full of twelve arrows. He was still further enriched by his relation, the Vidame of Chartres, who left to him certain estates in Leicestershire; and he acquired other lands in the same county, which had been forfeited by the rebellion of Walter de Tibetot and others. In return for these numerous favours, this earl proved his fidelity to King John, when the pope had deposed him; and he became surety for the performance of those articles, to which the humbled monarch had been obliged to submit.

He went with this king into Poitou, in the fifteenth year of his reign, and was very serviceable to him and his successor, Henry the Third, in opposing the rebellious barons. Yet his fidelity to the latter king was not uninterrupted; for, upon a dispute between him and the Duke of Cornwall, this earl espoused the cause of the latter.²⁰ Such, however, was the estima-

²⁰ Matt. Paris.

tion in which he was held, that, in the twenty-first year of that reign, he was appointed one of the arbitrators between the king and his discontented barons. By his marriage with Agnes, one of the sisters and coheirs of Ranulph, Earl of Chester, he acquired the seigniory of all the lands between the rivers Ribble and Mersey, which he held by an annual payment of forty shillings and the gift of a goshawk to the king. These lands were, however, seized into the king's hands, when he had held them about eight years, on account of the alleged misconduct of himself and his bailiffs, and he was obliged to pay a fine of one hundred pounds for the recovery of them.³⁰ This earl maintained through life a high character, as a peacemaker and lover of justice; but, as he advanced in years, he became subject to severe attacks of the gout, a disease which terminated his existence in the thirty-first year of the reign of Henry the Third, A. D. 1247, and his wife Agnes did not survive him many months.³¹

William de Ferrers, Earl of Derby, in the year after his father's death, did homage for and had livery of the castle of Chartley³² and other lands inherited from his mother. This castle was much smaller than the one at Tutbury, but it had been a favourite retreat of the late countess, who gave it to her son Thomas de Ferrers, and he released it to his elder brother, when it became an occasional residence of this earl and his family. About this time some of the wild cattle of the

³⁰ Rot. Pip. 26, Hen. III. Nott. and Derby.

³¹ Matt. Paris. Annals of Burton Abbey.

³² Rot. Fin. 32 and 33, Hen. III.

country, which had hitherto roamed at large in the forest of Needwood,³³ were driven into the park at this place, where their breed is still preserved.

In the thirty-sixth year of Henry the Third, William de Ferrers, Earl of Derby, obtained a grant of free warren,³⁴ to himself and his heirs, in all his demesne lands in Lancashire, Derbyshire, and Staffordshire: he also procured the king's permission, to appoint certain officers, for the conservation of the peace between the Ribble and Mersey, who were to be maintained at the charge of the inhabitants of those parts.³⁵

In private life this earl was much beloved: he was a prudent man, and well versed in the laws of his country: but, together with the virtues and riches, he inherited also the disease of his father, which attacked him with far greater violence, so as to deprive him, at a comparatively early age, of the use of his feet. Under these circumstances he was obliged to adopt a mode of travelling, very unusual in those days; and was conveyed from place to place in a horse-litter, or open carriage.³⁶ As he was thus passing over the bridge of St. Neot's, in the county of Huntingdon, his carriage was overturned by the carelessness of the drivers; and although he escaped immediate death, yet he was so bruised by the fall, that he never recovered from the effects of this accident, but died at the village of Evington, near Leicester, on the 5th of April, 1254, and was

³³ The name of Needwood appears to be a corruption of Neats' Wood, or the Wood of Cattle.

³⁴ Cart. 36, H. III. m. 24.

³⁵ Claus. 35, Hen. III. and 36, Hen. III.

³⁶ Matt. Paris.

buried on the 11th of the same month in the chapel of Mirevale abbey.³⁷

During the residence of the two last earls at their castle of Tutbury, a general improvement in the surrounding country had taken place: their large income had been liberally distributed amongst their numerous vassals and dependants; and many subordinate proprietors had gradually arisen in the villages around, whose lands were held in perpetuity either by military or soccage tenure: those holding by the former, were obliged to serve their lord in war forty days in each year, if required, for every knight's fee; and those holding by the latter tenure, paid for their lands a certain yearly rent, or performed for them other fixed services *not military*. But there was, besides these, another kind of tenants (the origin of our modern copyholders), who held their lands on more precarious and servile terms. These men were compelled, by reason of their tenure, to mow, make, and carry the hay, growing in the lord's meadows, to his castle or manor-house; and also to sow, mow or reap, and carry his corn, besides wood and fuel, all at fixed and very inadequate wages: and, since it frequently happened that a considerable quantity of demesne land had been reserved by their lord for his own use within the manor where they resided, these services must have been felt as grievous burdens.³⁸ But these bond-tenants, as they were called, were subjected to yet more degrading conditions; for they could not give their sons a liberal education, nor dispose of their

³⁷ Annals of Burton Abbey.

³⁸ Tutbury Coucher, in Duc. Lanc. Off.

daughters in marriage, without a previous permission from their lord. Upon the decease of each tenant, the lord was entitled to the best beast, as a heriot, together with all horses, foals, hogs, hives of bees, brazen vessels, &c. and every wagon or cart bound with iron, which were then on the premises; and the land which he held remained in the lord's hands, until his son, daughter, or other heir, should satisfy him for his or her admission to such tenement.³⁹ Yet, in spite of these exactions, the villages became well peopled, and fresh lands were annually brought into cultivation. The neighbouring wastes and forest lands had been, during the above-mentioned period, considerably reduced by various inclosures, some of which were reserved as parks for the preservation of deer and game, whilst others had been assarted,⁴⁰ or grubbed up, and were converted into tillage. It has been previously noticed, that the hamlet of Callingwood once formed a part of the forest of Needwood;⁴¹ Highlands Park, Dunstall, and Barton Park, were about this time taken out of the same; a considerable part of the township of Anslow, as far as the road which is still known by its ancient name Wimundsway,⁴² together with Stockley and Rolleston parks, were also now separated from it. On the opposite side of the forest similar encroachments had been made: the whole parish of Yoxall, Agardsley, Bromley Park, Bagots Park, and Hanbury Park, with parts of Marchington

³⁹ Tutbury Coucher, in Duc. Lanc. Off., and MSS. there.

⁴⁰ Assarted, derived from the French *essartir*, to grub up under-wood; a common term for lands reclaimed from the forests.

⁴¹ See page 7.

⁴² MSS. in Duc. Lanc. Off.

and Hanbury, had a like common origin. The nearest park to the castle was called Castle Hay,⁴³ or the Hay of the Earl, because it was divided from Needwood by a hay, or hedge, during the life of the first Robert Earl Ferrers, for the greater facility of hunting and protecting his deer. With a view of obtaining a population adequate to the proper cultivation of these newly-inclosed lands, and the consumption of their produce, the same Robert built the town of Newborough, and greatly enlarged those of Uttoxeter and Tutbury:⁴⁴ the burgages in Tutbury were now increased from forty-two to one hundred and eighty-two, whilst Newborough contained one hundred and one, and Uttoxeter one hundred and twenty-seven. The inhabitants of these burgages were chiefly confined to trade: at Tutbury they followed that of woolcombing, at Newborough bleaching, and at Uttoxeter they manufactured iron;⁴⁵ thus, he intended the agricultural and trading population of the district, to be mutually advantageous to each other; the former were to supply the latter with necessary food, and the latter were to furnish them, in return, with the requisite articles of clothing and implements of husbandry.

Wise as these earls thus proved themselves to be, in the distribution and management of their property, they were equally vigilant of their rights, and jealous of any interference in their private diversions; yet they granted the most respectable of their tenantry liberty

⁴³ For the proper derivation of this word, see Whitaker's History of Whalley, book iii. chap. iv. note in page 175.

⁴⁴ MSS. in Duc. Lanc. Off.

⁴⁵ Ibid.

to cut wood for buildings, for repairing fences, and fuel, within their forest : these privileges were known under the names of house-boote, hay-boote, and fire-boote. Permission was generally given to the various occupiers of their lands, to turn a given number of swine into the forest, to feed on the fallen acorns, for which a sum of money, called pannage, was received ; they also had a right to depasture cattle and horses there, but in no case were sheep allowed, because it was supposed that they would injure the pasturage of the deer. In some instances bucks and does were annually given to tenants, and, in a very few, license to hunt and hawk for a day or two in the year. The inhabitants of Tutbury and its honor, had enjoyed uninterrupted security since the Conquest, with the exception of a few weeks,⁴⁶ when a body of Welchmen was sent against them, as before stated, to quell the rebellious spirit of the first Earl William ; but the wealth and wisdom of his successor had more than compensated them for the losses sustained upon that occasion. The earls of Derby had acquired a just claim upon their affections, by the comparative mildness of their sway in an age of feudal tyranny ; the period, however, was now fast approaching, when they would be obliged to perform fealty and service to another race of masters, and when the name of Ferrers would no longer insure an hereditary veneration amongst them.

Robert de Ferrers, the eldest son of the last William, Earl of Derby, was under age at the time of his

⁴⁶ See page 8.

father's death.⁴⁷ When only nine years old he had been betrothed at Westminster to Mary, the infant daughter of Hugh le Brun, Earl of Angoulesme, and niece to King Henry the Third;⁴⁸ but whether their marriage was ever consummated is doubtful, at least he had no issue by this match. The early loss of a wise and virtuous parent, was to him the greatest of misfortunes: by nature fickle and perverse, his disposition, uncurbed by parental authority, at length became outrageous. No sooner had he attained the age of twenty-one, than he threw off all restraint, broke out into open rebellion against the king, and yet had not the wisdom to act in concert with the other powerful barons who opposed their sovereign.⁴⁹ His extensive estates furnished him with many followers; and the first use he made of this force, was to enter Worcester, which city he pillaged, destroyed the unoffending Jews who dwelt there, plundered both the private and religious houses, and did much damage to the crown lands in the neighbourhood.⁵⁰ To retaliate for this outrage, the king sent a considerable army against him, under the command of Edward, his eldest son. The peaceful occupiers of his lands, suffered for the offence of their owner: the country around Tutbury was laid waste with fire and sword, and his castle demolished.⁵¹ This destruction of the princely erection of Henry de Ferrers, ought to have forewarned his descendant of his own downfall; but,

⁴⁷ Pat. 41. Hen. III. m. 12.

⁴⁸ Annals of Burton Abbey. Claus. 33. Hen. III. m. 6.

⁴⁹ Matt. Paris.

⁵⁰ Matt. Paris.

⁵¹ Matt. Westminster. Dugdale's Baronage.

equally blind to past events, and reckless of the future, he still continued his warfare against the king. At the battle of Lewes Henry the Third and his son were made prisoners. The Earl of Derby exulted over the royal captives, and refused to assist the Earl of Gloucester at the battle of Evesham, when he rescued them out of the Earl of Leicester's hands. This determined hostility could not be readily overlooked: in the forty-ninth year of the reign of Henry the Third (Oct. 23, 1265), he was charged with high crimes and misdemeanors; a day was fixed for his trial: but the guilty conscience of the rebellious earl anticipated the certainty of a conviction; he, therefore, confessed his crimes, and threw himself upon the king's mercy.⁵² The generosity of the monarch far exceeded his deserts: he was pardoned upon condition, that he should present the king with a cup of gold set with precious stones, and pay a fine of fifteen hundred marks; with an express understanding however, that if ever he rebelled again, he should be totally disinherited.⁵³

This act of clemency was of no avail in subduing the haughty and turbulent spirit of Robert, Earl of Derby: a kind of infatuation seems to have possessed him; for, in the very face of those solemn engagements, into which he had entered with the king, he raised an army in the northern parts of Derbyshire, and took forcible possession of Chesterfield in the spring of the following year: but his treason and treachery did not long remain unpunished; for Henry, the eldest son of the King of Almaine, at-

⁵² Pat. 49. Hen. III.

⁵³ Rot. Fin. 50. Hen. III.

tacked him there on the 24th day of May, 1266, and completely routed his forces. It was with difficulty that he escaped from the field of battle to the church, where he concealed himself under some bags of wool. One solitary individual perceived him in his retreat; this was a young female, whose lover had been compelled to fight for the earl, and had fallen in the battle:⁵⁴ looking upon this perfidious nobleman as the sole cause of her misfortunes, she pointed out to his enemies the place of his concealment; he was immediately dragged forth, and conveyed from thence under a strong escort to London, where he was thrown into prison.⁵⁵ The same year he was attainted, and his confiscated lands were given to Edmund, the son of Henry the Third, afterwards created Earl of Lancaster, by two grants from that king,⁵⁶ bearing date the 28th of June, and 5th of August, 1266.

After this unhappy man had been imprisoned for nearly three years, he was liberated by the intercession of several of the most powerful barons; and the king undertook even to restore his lands to him, on the payment of a fine of £.50,000, which was to be paid to his son Edmund in lieu thereof, within fifteen days of the feast of St. John the Baptist next ensuing; in the meantime he assigned over to those noblemen, who had undertaken the management of this affair, all his lands and tenements, with their appurtenances, as a security for the performance of these engagements. Such, however, was the difficulty of raising so large a

⁵⁴ Matt. Paris. MSS. in Bodleian Library, Med. 20. f. 122. b.

⁵⁵ Dugdale's Baronage.

⁵⁶ Lib. c. fol. 71. g. tom. 1 of the Coucher Book, in the Duc. Off.

sum in those days, that the appointed time passed over without the stipulated payment being made; and his sureties conveyed his estates, in consequence of such default, to Edmund, Earl of Lancaster, and his heirs for ever.

Copies of the original documents, relating to this extensive transfer of property, are still preserved in the Office of the Duchy of Lancaster, and the following translations of the same may not be uninteresting to the reader :⁵⁷

“ To all to whom the present writing shall come, Robert de Ferrariis, Earl of Derby, greeting: — Know ye, that whereas our Lord Henry, the illustrious King of England, hath admitted us to his peace, and liberated us from prison; and by the assent and will of the Lord Edmund, his son, to whom our said Lord the King had given all our lands, and tenements, by his charter, on account of the transgressions imputed to us in the time of the disturbance, which has been in the kingdom of England, for a fine of fifty thousand pounds sterling, which we have contracted with the said Lord Edmund, as in a writing between us, and our trustees (manucaptors), and the aforesaid Lord Edmund, therein executed, is more fully contained, hath restored those lands, and tenements. We, that our said Lord the King, and his heirs, may be secured, that we shall conduct ourselves in future well and faithfully towards our said Lord the King, and his heirs, will and concede for ourselves, and our heirs, that if we shall, at any time, in any manner, come against our said Lord the King, or his heirs, by exciting war, or carrying arms, against them, or even, in any wise, going contrary to the agreements made between us, and our trustees, and the same Lord Edmund, by the aforesaid writing, and it shall happen, that we thereof are convicted; that all our lands, and tenements, should devolve upon the aforesaid Lord the King, and his heirs, and we, and our heirs,

shall remain disinherited therefrom for ever. In testimony whereof, we have hereunto placed our seal.

“Witnesses: — the Lords Robert Walrand, Roger de Clifford, Roger de Somery, John de la Linde, John de Muscegros, Richard Fokeram, and others.”

“To all who are about to see or hear the present writing, Henry d'Almaine, William de Valentia, Earl of Pembroke, John Earl Warren, William Beauchamp, Earl of Warwick; Roger de Somery, Thomas de Clare, Robert Walrand, Roger de Clifford, Hamo Strange, Bartholomew de Sulley, Robert de Briuces, Knights, greeting: — Know ye, that we are held to the Lord Edmund, son of the King of England, in fifty thousand pounds sterling, for the delivery of the body of Robert de Ferrariis, son of William de Ferrariis, sometime Earl of Derby, from prison, and for the redemption of the same, and of his lands, which had come to the hands of our said Lord the King of England, by the forfeiture of the same Robert, and which our said Lord the King had given to the said Lord Edmund by his charter, to be paid to the same Lord Edmund, or his heirs, or assigns, within fifteen days of the Feast of the Blessed John the Baptist, next at hand, at the New Temple, London, unless the same Robert, within the said space, should pay the aforesaid sum of money to the said Lord Edmund, or in some other way may satisfy him for it; and, for such payment to be made as aforesaid, we bind ourselves, our heirs, and our lands, and tenements, and all our moveable and immoveable goods, wheresoever they shall be; so that if we shall have failed in the payment of the aforesaid money, in whole or in part, at the time and place above-mentioned, which be far absent, we will and concede for ourselves, and our heirs, that Lord Edward, eldest son of our Lord the King, may be able to distrain us for all our lands, and tenements, and other moveable and immoveable goods, towards making the aforesaid payment.

“Given at Windsor, the second day of May, in the year of the reign of our Lord the King aforesaid the fifty-third.”

“ Robert de Ferrariis, Earl of Derby, greeting: — Whereas the Lords Henry, son of the King of the Romans, William de Valentia, Earl of Pembroke, John Warren, Earl of Surry, William Beauchamp, Earl of Warwick; Roger de Somery, Thomas de Clare, Robert Waleran, Roger de Clifford, Hamo Strange, Bartholomew de Suthley, and Robert de Briwes, Knights, at my request, have bound themselves, and their heirs, together with all their lands, and tenements, to the Lord Edmund, son of the King of England, and have taken in hand, for us, the satisfying of the same Lord Edmund, for our redemption and that of our lands. We being aware, that we cannot, at present, sufficiently provide for the indemnity of our aforesaid trustees, unless by the delivery of all our lands, and tenements, which our Lord the King, and his son Edmund, restored to us upon our liberation from prison, yet wishing to provide for their security herein, and to keep them indemnified in all things, have delivered and committed all our lands, and tenements, with their appurtenances, to our aforesaid trustees, to be had and held to them, and their heirs, until full and sufficient satisfaction shall be made to the aforesaid Lord Edmund, or his heirs, for the aforesaid redemption; and we have caused this to be enrolled in the rolls of the chancellery of our Lord the King. In witness whereof, we have set our seal hereunto.

“ Witnesses: — Lord Guy de Master, John de Chisull, Chancellor of our Lord the King, John de la Linde, Peter de Chauvent; William Belet, William de St. Hermin, Stephen de Eddworth, William de Fauckham, and others.”

“ To all to whom the present writing shall come, Robert de Ferrariis, Earl of Derby, greeting: — Whereas the Lords Henry, son of the King of the Romans, William de Valentia, Earl of Pembroke, John Warren, Earl of Surrey, William Beauchamp, Earl of Warwick; Roger de Somery, Thomas de Clare, Robert Walerand, Roger de Clifford, Hamo Strange, Bartholomew de Suthley, and Robert de Briwes,

Knights, at our request, have bound themselves, and their heirs, together with all their lands, and tenements, to the Lord Edmund, son of the King of England, and, for us, have undertaken the payment, to the said Lord Edmund, his heirs, and assigns, of fifty thousand pounds sterling, for our redemption, and that of our lands, within fifteen days of the Blessed John the Baptist, next at hand, in the year of the reign of King Henry, son of King John, the fifty-third. We, considering that we cannot sufficiently provide, at present, for the indemnity of our said trustees, unless by the delivery of all our lands, and tenements, which our Lord the King, and the Lord Edmund aforesaid, restored to us upon our liberation from prison, and wishing to provide for their security in this behalf, and to keep them indemnified in all things; have delivered and committed all our lands, and tenements, with their appurtenances, to our aforesaid trustees, to be had and held to them, or their heirs, or assigns, until full satisfaction shall have been made to the said Lord Edmund, and his heirs, of the aforesaid sum of fifty thousand pounds; willing and conceding, for us, and our heirs, that if, within the aforesaid time, we shall not have paid the aforesaid sum of money to the aforesaid Lord Edmund, or shall not otherwise have satisfied him, that it shall then be lawful for our said trustees, to render and assign all our lands, and tenements, aforesaid, to the said Lord Edmund, or his heirs, or assigns, freely and quietly, until we shall have paid, altogether and at once, the aforesaid sum of fifty thousand pounds, to the same Lord Edmund, or his heirs. We also will and concede, for us, and our heirs, that the aforesaid trustees, or the aforesaid Lord Edmund, or their heirs, may immediately enter, after the death of Margaret de Ferrariis, Countess of Derby, our mother, upon all our lands, and tenements, which she holds in dower of those lands, and tenements, which belonged to William de Ferrariis, sometime Earl of Derby, our father, and may have and hold them, together with the other lands, and tenements aforesaid, in the form as above written. We, moreover, will and concede, that the

aforesaid trustees, or the aforesaid Edmund, or his heirs, or their assigns, may have and hold all the lands, and tenements aforesaid, and also those thereof, which the aforesaid Margaret holds in dower, after her decease, together with knights fees, advowsons of churches, escheats of all other things, by whatever right regarding all the said lands, and tenements, until we shall have paid, altogether and at once, to the aforesaid trustees, or the aforesaid Lord Edmund, or his heirs, or assigns, the aforesaid sum of money, or shall have otherwise satisfied him therein, that the fruits or outgoings of the aforesaid lands, and tenements, may be so computed at the least, being taken on average, by the said Lord Edmund, and his heirs. In testimony whereof, we have hereunto placed our seal.

“ Witnesses: — the Lords John de la Linde, Richard de Foukerham, John de Muscegros, Stephen de Eddworth, Bogon de Cnovill, Bartholomew de Pertevin, John Russel, Henry de Penstan, and many others.”

“ To all to whom the present writing shall come, Robertus de Ferrariis, Earl of Derby, greeting: — Whereas the Lords Henry, son of the King of the Romans, William de Valentia, Earl of Pembroke (and the others above-mentioned), at our request, have bound themselves, and their heirs, together with all their lands, and tenements, to the Lord Edmund, son of the King of England, and, for us, have undertaken the payment, to the said Lord Edmund, his heirs, or assigns, of fifty thousand pounds sterling, for our redemption, and that of our lands; and we, willing to provide for the indemnity of our trustees, have delivered and committed all our lands, and tenements, which our Lord the King, and the Lord Edmund aforesaid, restored to us upon our liberation from prison, to be had and held to them, and their heirs, or assigns, until full satisfaction shall have been made to the said Lord Edmund, or his heirs, of the aforesaid sum of fifty thousand pounds, that is to say, altogether and at once, as in our writing, which we have

made therein for our said trustees, is more fully contained. We, wishing fully to provide for the security of our said trustees, concede, and in good faith promise, to our aforesaid trustees, that we, in our proper person, will in nowise enter upon the said lands, and tenements, nor will send any others to the said lands, and tenements, nor will require, nor receive, any of the outgoings of the same, nor will permit any to be required, or received, in our name, until the aforesaid fifty thousand pounds shall have been fully paid to the aforesaid Lord Edmund, and until all those things, which are contained in our aforesaid writing, may be completed according to the form and tenor of the same. We also promise in good faith, and firmly bind ourselves, to our aforesaid trustees, that we will not hinder the seizin of the same trustees of the aforesaid lands, and tenements, nor permit them to be hindered, by our people, in any manner, against the form aforesaid. In witness whereof, we have hereunto placed our seal.

“Witnesses: — the Lords John de la Linde, Richard Fake, ran, John de Muscegros, Stephen de Eddworth, Bogo de Knowil, Bartholomew de Peytevin, John Russel, Henry de Penistan, Knights, and others.”

“Robert de Ferrariüs, Earl of Derby, to his beloved and faithful Peter de Ristor, greeting: — We order you, that when seizin shall be taken of our lands, and tenements, for the Lord Edmund, you may cause the Lord Hamo Strange to have the same seizin, whom the Lord Henry d’Almaine, and our other trustees, have appointed to take seizin, in their stead, and to keep custody, in their behalf, until we shall have made satisfaction to the aforesaid Lord Edmund, for our redemption, according to the agreements contained in writing between us and our trustees. In testimony whereof, we send these our letters patent to you.

“Given at Chipenham, the second day of May, in the year of the reign of King Henry, the son of King John, the fifty-third.”

“Robert de Ferrariis, Earl of Derby, to all Abbots, Priors, Barons, Knights, and Freemen, holding of the honor of Ferrers, greeting: — Know ye, that since the Noblemen, Lords Henry d’Almaine, William de Valentia, Earl of Pembroke, John de Warren, Earl of Surry, William Beauchamp, Earl of Warwick, &c. (as above mentioned), have undertaken for us the satisfying of our Lord the King of England, and the Lord Edmund, his son, within a certain time, for our redemption, and that of our lands; we, desiring to provide for, as much as at present we can, the indemnity of our said trustees, have delivered and committed to our said trustees all our lands, and tenements aforesaid, to be held by them, or their attorneys, until we shall have competently satisfied our said Lord the King, and the Lord Edmund, upon the aforesaid redemption; whence, since our said trustees have appointed Hamo Strange, as their attorney, to take seizin, in their name, of the aforesaid lands and tenements, and to keep custody of them as long as it shall please them, we order you, that ye may be attending upon, and answering to, the said Lord Hamo, as the guardian of the said lands, in all things which relate to us, until we shall have set them to rest upon the aforesaid undertaking. In testimony whereof, we have caused these our letters to be made patent.

“Given at Chippenham, the third day of May, in the fifty-third year of the reign of King Henry, the son of King John.”

“To all to whom the present writing shall come, Henry, son of the King of the Romans, William de Valentia, Earl of Pembroke, John Earl of Warren, William Beauchamp, Earl of Warwick, Roger de Sumery, Thomas de Clare, Robert Walrand, Roger de Clifford, Hamo Strange, Bartholomew de Sulley, and Robert de Briwes, greeting: — Since Robert de Ferrariis, Earl of Derby, has delivered and committed to us all his lands and tenements, to be held to us, until the said Earl shall have satisfied the Lord Edmund, son of the King

of England, for his redemption, and that of his lands, for which we have undertaken towards the said Lord Edmund, for the said Earl, as is more fully contained in our letters to that intent made; Know ye, that we have promised, in good faith, to the said Lord Edmund, that, for the outgoing of the said lands and tenements, as long as they may be in our hands, we will answer to the said Lord Edmund, nor will we claim for ourselves any thing from the aforesaid lands and tenements, or their appurtenances, or from any escheats, accruing on account of the said lands and tenements, within the time aforesaid. In witness whereof, the seals of the aforesaid Earl of Warwick, &c. (as above mentioned) have been annexed hereto.

“Given the fourth day of May, in the fifty-third year of the reign of King Henry, the son of King John.”

Although all reasonable expectations of recovering his forfeited lands were frustrated, by his inability to pay the above-stated fine on the day mentioned, and his trustees had consequently reconveyed them to Earl Edmund, Robert de Ferrers exhibited his bill in the Court of King's Bench, in the fifty-third year of Henry the Third, complaining, that they were unjustly detained from him;⁵⁸ and, again, in the second and third of King Edward the First, Michaelmas Term,⁵⁹ proceedings were had before the Justices of the King's Bench, upon a claim made by Robert de Ferrers, to redeem his lands, &c. in pursuance of the “Dictum de Kenilworth,” which he alleged he was ready to do, by paying the sum of fifty thousand pounds for the same;

⁵⁸ Placita coram Rege, 53rd Hen. III.

⁵⁹ Ibid. 2nd Edw. I.

and also alleging, that the charter made of the said lands to the Lord Edmund, unless the sum of fifty thousand pounds, for the redemption thereof, was paid by a certain day, that is to say, within fifteen days of John the Baptist, in the fifty-third year of King Henry the Third, was made whilst he was in prison, and, therefore, ought not to be binding upon him. But, upon reading the same charter, and hearing the whole circumstances of the case, it was adjudged by the court, that the same Lord Edmund should be dismissed without further day, and that the said Robert be amerced for a false claim. Proceedings were also instituted upon the claim of Alianora, wife of Robert de Ferrers, to be endowed in the third part of the lands of the said Robert; but, it appearing to the court, that the said Robert was not in possession of the lands, &c. in which the said Alianora claimed to be endowed, after his marriage with her, that claim was likewise disallowed.

The above-mentioned decision was perfectly just; for, by an inspection of the preceding documents, it will appear, from the admission of Robert de Ferrers himself, that the agreement, for the redemption of the lands, by the payment of fifty thousand pounds upon a certain day, was made *after* his *liberation* from prison; and his marriage with Alianora, daughter of Ralph Lord Bassett,⁶⁰ did not take place *until the year* of his *liberation*, for it was solemnized in the fifty-third year of Henry the Third, (1269.)⁶¹ John de Ferrers, the

⁶⁰ Brooke's Catalogue.

⁶¹ Miller's Catalogue of Honor.

eldest son by this marriage, received again from the king, the castle and honor of Chartley, in Staffordshire, together with the manor of Holbrook, in Derbyshire, part of the property which had belonged to his father; and his posterity long flourished as Lords Ferrers, Barons of Chartley, until Agnes, or Anne, sole daughter and heiress of William Ferrers, Lord Ferrers, became the wife of Sir Walter Devereux, in the thirty-first year of Henry the Sixth,⁶² and thus carried Chartley to the earls of Essex. Holbrook was sold to Edmund, Earl of Lancaster, and continued a part of the honor of Tutbury; but the manor and castle of Chartley, having been conveyed, as above stated, into the family of Devereux, afterwards passed, upon the marriage of the Lady Dorothy, youngest daughter and coheir of Robert Devereux, Earl of Essex (the favourite of Queen Elizabeth), with Sir Henry Shirley, of Staunton Harold, Bart., into the family of the present noble owner. Sir Robert Shirley, Bart., his successor, became entitled to the Barony of Lord Ferrers, of Chartley, by virtue of his descent from this coheiress, and, on the 3d of September, 1711, was advanced to the higher dignities of Viscount Tamworth and Earl Ferrers: from him these titles and estates have regularly descended to the Right Honourable Washington Earl Ferrers, who still enjoys this portion of the immense property of his ancestors, the Earls of Derby.⁶³

⁶² Dugdale's Baronage.

⁶³ See English Peerage, and Playfair's Family Antiquity.

By the tenure roll of the hundred of Offlow, taken about the year 1255,⁶⁴ it appears, that Robert Ferrers, the last Earl of Derby, then held of the king, Tutbury, Rolleston, Marchington, and Barton. He had a free court at Tutbury, and view of frank pledge there. Within this liberty were seven hides and a half of land, without the village of Barton, where he had also one hide. He had, moreover, a market and a fair at Tutbury, but it was not known by what warrant. Previous to his adversity, in the year 1262, this earl gave to John de Sulney, and his heirs and assigns, one hundred and twenty acres of land upon the Brends, in the wood of Uttoxeter, with the timber growing thereon, to be held of him and his heirs, unless they should be religious men or Jews, freely, with house-boote and hay-boote, throughout the ward of Uttoxeter, and rights of common in his Forest of Needwood. Witnesses (besides others), his brother William de Ferrers, and William de Roleston.⁶⁵

In the same year he also gave liberty, by his letters patent, dated at Yoxall, to Sir Walter Raleigh⁶⁶ and his heirs, residing at Uttoxeter, to hunt and course the fox and hare within the precincts of his Forest of Needwood, with eight braches⁶⁷ and four grey-hounds.⁶⁸

⁶⁴ Roll K. 10. in the Harleian Library, at the British Museum.

⁶⁵ From the Register of Richard Frampton, in Duc. Lanc. Off.

⁶⁶ A direct ancestor of Sir Walter Raleigh, who lived in the second year of Elizabeth's reign.

⁶⁷ Brache is a particular sort of hound; perhaps a beagle: see Shakspeare's "Taming the Shrew," &c.

⁶⁸ Dugdale's Baronage.

He likewise granted two messuages in Chartley, with seventeen acres of land there, and the advowson of the church of Stow, near Chartley, to the canons of St. Thomas, near Stafford, for the health of the souls of his two wives, and on condition that his body might be there entombed after his death,⁶⁹ which event appears to have taken place in the year 1278.⁷⁰

To Henry de Hounhull he likewise conveyed twenty acres of land, and a wood extending to Marchington Hill, with liberty to enclose and impark the same.

Several of these deeds have this earl's seal affixed to them, exhibiting his person on horseback, in full armour; the shield and horse-mantle are emblazoned, Vairé d'or et de gules, with an inscription round them :

*"Robt̄ fil. et heres Dñi Will'i de Ferrar' quonda'
Comitis Derbeye."*

Upon the reverse, there is a shield bearing the same arms and this inscription :

"Sigillum Roberti de Ferrariis Comitis Derbeye."

When the estates of the Earls of Derby were thus transferred to Edmund, Earl of Lancaster, they were valued, as producing an income of three thousand pounds a year;⁷¹ but they were subjected to an in-

⁶⁹ Monasticon Anglicanum, vol. ii. 317.

⁷⁰ Ralph Brooke's Catalogue.

⁷¹ Dugdale's Baronage, p. 265, in the petition of John de Ferrers to Pope Nicholas.

cumbrance of a considerable sum due to the king, from which they were released by the following charter, still preserved amongst the records of the Duchy of Lancaster :⁷²

“Edwoard, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all to whom the present letters shall come, greeting:—Whereas Edmund, our very dear brother, holds the castle and honor of Tutbury, and the honor of the earldom of Derby, and all lands and tenements of the aforesaid honors, from the concession of Robert de Ferrariis, fully and freely, as the said Robert hath held them; and certain dues are required, by summons, from our exchequer, from our said brother, on account of the debts in which the said Robert, on behalf of himself and his ancestors, was held to us and our ancestors at our exchequer. We, willing to do our brother a special favour in this behalf, will and concede, for us and our heirs, that our said brother, and the heirs of his body lawfully begotten, shall from all the said debts, fines, amerciaments, computed assessments, and all kinds of arrears, which are or can be required from him, on account of the debts of the said Robert and his ancestors, remain quit for ever, saving, nevertheless, to us and to our heirs, to recover against the said Robert and his heirs, upon other lands and tenements which he holds, and, also, from the aforesaid castle, honors, lands, and tenements, if it shall happen that they come again by any chance to the said Robert and his heirs. In witness whereof, we have caused these our letters to be made patent.

“Witness, myself, at Westminster, the fifth day of May, in the fifth year of our reign.”

⁷² Extracted from the Great Coucher of the Duchy.

In the seventh year of Edward the First, Edmund, Earl of Lancaster, had a renewal of the grant of the wapontake of Wirksworth, with the manors of Wirksworth and Ashbourn;⁷³ and, in the thirteenth year of the same reign, received a further confirmation of all the lands of Robert de Ferrers,⁷⁴ together with the liberty of free warren in Melbourne, in the county of Derby. Eleven years afterwards (A. D. 1297), he accompanied the Earl of Lincoln and others to the siege of Bayonne, where he died; but his body was sent from thence to England, and interred in Westminster Abbey.⁷⁵ His mother, Queen Eleanor, had made him a present of the house, gardens, &c. situate in the suburbs of London, which had previously belonged to Peter de Savoy, her uncle, and at this place he principally resided. By his first wife, who was the daughter and heiress of William, Earl of Albemarle, he had no issue; but, by his second, Blanch, the daughter of Robert, Earl of Artois, he had three sons, Thomas, Henry, John; and one daughter, who, as well as the youngest son, died without issue.⁷⁶

An inquisition,⁷⁷ taken immediately after his death, presents us with some valuable information, respecting the distribution of property within the honor of Tutbury. I shall content myself with the following extracts from this document :

⁷³ Cart. 7. Edw. I. m. 4.

⁷⁴ Cart. 13. Edw. I. n. 22.

⁷⁵ Dugdale's Baronage.

⁷⁶ Ibid.

⁷⁷ Inquisitiones post mortem. temp. Edw. I.

Richard Verdon held the assart of Anslow, by the twentieth part of a knight's fee. Theobald Verdon had four fees in Crakemarth and Cumbrigg. Wicknor and Syerscote were held by Robert de Somervill for two fees; who also held Newbold, in exchange for the manor of Barton, by the fourth part of a fee. Fauld was held by Stephen de Curzon; Loxley Manor, by the heirs of Thomas de Ferrers.⁷⁸ In Rolleston the heirs of William Rolleston held an estate for forty parts of a fee: in Marchington Stephen de Wodeford held four parts, and William de Chandos ten parts of a fee. Robert de Knightly held land in Rodlow, for twenty-five parts, and Callingwood, for twelve parts of a fee: the rest of Rodlow was held by Ralph de Burgh, for twenty parts of a fee. In Hanbury and Coton, Henry, the cook, and Henry, his son, held lands, for forty parts of a fee each. Andrew de Jarpenville held the assarts of Draycott. In Yoxall the heirs of John the baker, the heirs of Robert Selvein, Richard Barton, and Richard Owen, were the principal tenants. The churches of Hanbury, Uttoxeter, Tatenhill, Yoxall, and Rolleston, were held by Nicholas Butler. The manors of Sudbury, Cubley, Marchington, Aston, Snelston, Somersall, and Osleston, were held by William de Montgomery, for seven fees, together with the churches of Sudbury and Cubley. Boylestone, with the church

⁷⁸This Thomas de Ferrers was the younger son of William, Earl of Derby, by Agnes, the coheir of Randle, Earl of Chester; and had this manor given him by his brother, in exchange for Chartley, which had been left to him by his mother.

there, was held by John de Basing, and Barton, in the county of Derby, with its church, by John de Bakepuze. The manor of Sutton was held by William de Baliol, and that of Trusley by William de Dodingsells. Robert Stafford held a moiety of Eggington and Radborne: the remainder of Radborne, with the church there, was held by John de Chandos, who likewise held Dalbury manor and church, the manor of Breadsall, and part of Osmaston. William de Meignell held in Yeveley and Holinton half a fee. The manor of Kedleston, and the church there, were held by Richard Curzon, for the fourth part of a fee. Thomas Beck held lands in Swerkston and Hilton: Richard Towke had also lands in the latter place. Thomas Morrell held lands in Scropton. Geoffry de Greseley held Lullington, Greseley, Swadlincote, Linton, Heathcote, Donisthorp, and Oakthorp, for three fees. John de Segrave held the manor of Bretby; Alfred de Solney that of Newton; and Thomas Touchet held Marketon and Mackworth, for two fees.

By an ancient record, in the King's Remembrancer's Office, called the "Testa de Nevill," which was written during the reign of Henry the Third, it appears, that, of the above-mentioned places, Ash then belonged to William de Fitzherbert; Boylestone, to Oliver d'Eyncourt and Matilda, his wife; Sutton, to Ralph de Pichford; Trusley, to Ralph de Beufey; but that the other lands were in possession of the same families as are named in this inquisition.

In return to a plea of *quo warranto*, made in the

twenty-first of Edward the First, Edmund, Earl of Lancaster, answered by his attorney, that he claimed in the town of Tutbury view of frank pledge, infang-theft, the right of erecting a gibbet, and of receiving waives; also, a free warren, a market once in seven days, on Monday, and an annual fair, to continue two days, on the eve and Assumption-day of the Blessed Virgin; he also claimed like privileges in Uttoxeter, with a market on Wednesday in each week, and an annual fair on the eve and Nativity of the Blessed Virgin: which manors, towns, and liberties, Robert de Ferrers, formerly Earl of Derby, had held, together with the honor of Tutbury, and that the same had come into the hands of King Henry by forfeiture of that earl, and had been granted to him by the said king, with all the rights, privileges, and customs, which the said earl had in the said places, by the king's charter, as more fully recorded amongst the rolls of the chancery of that king, in the fiftieth year of his reign.

Soon after the forfeiture of the estates of Robert de Ferrers, a precept was issued by the king, requiring all persons, who claimed privileges within the chase of Needwood under former grants, to show their charters; and when any claim was admitted, it was entered in a book, the title of which was; "*Transcripta Cartarum liberé tenentium Forestæ de Nedenwood petentium libertates et communias in eâdem Forestâ per Rogerum le Brabbarde, Senescallum Honoris de Tutbury inspectione cartarum perhibitarum in Vigilia S. Clementis Papæ, anno Regni Regis Edwardi XVI.*"

The original appears to have been lost, but a copy of, or rather an extract from the same, is still preserved in the Duke of Buckingham's library, at Stowe, under the name of "*Liber niger de Nedewood.*"

In the rental of the Earl of Lancaster it is noticed, that the tenants in the hundred of Appletree, were accustomed to make a yearly payment of £.8 3s. 5d., for protection or aid (*ad auxilium*), and, as a composition for not keeping watch (at the castle) £.2 a year; the bailiff of that hundred gave annually £.1 6s. 8d. for the right of holding his bailiwick for the term of his life; the pleas and perquisites of the hundred averaged an annual return of £.10, and the sum total of the receipts from thence amounted to £.21 12s. 1d.

The following extract, from the hundred rolls, in the tower of London,⁷⁹ exhibits a curious specimen of the mode of administering justice and summary punishment, after trial by battle, within the honor of Tutbury, in the reign of Edward the First:

"The bailiffs of the Lord Edmund, amongst whom was Clemens the clerk, and others from the castle of Tutbury, immediately after the Feast of St. Michael, in the second year of King Edward (the First) took a certain robber, named William Knout, who became a Prover;⁸⁰ and these bailiffs kept back the said Prover, and he charged Richard Astell, of Rolleston, with being one of his companions; which Richard was apprehended, and gave to the said bailiffs ten shillings,

⁷⁹ See Hundred Rolls in the tower of London, anno 4, Edw. I.

⁸⁰ A Prover is one who, having confessed himself guilty of felony, accuses another of the same crime, or, in modern language, turns king's evidence.

that he might escape. The same Prover also charged Ralph de Aunsedeley with robbery; he was likewise arrested, and gave to the said bailiffs some money to be set at liberty. John Walcepot was also indicted through his suggestion, and, after being apprehended by the said bailiffs, was acquitted at the court of the Lord Edmund. There also came forward one Ralph de Young, of Rolleston, and accused the said Prover of a robbery, in having stolen one cow, of which the Prover was then in possession; and, therefore, they fought with each other at Tutbury, and so the said Ralph overcame the said William, and he (the said William) was hanged. Also Gilbert Brende was indicted by the aforesaid Prover, and gave four shillings to the said bailiffs on that account."

THOMAS, SECOND EARL OF LANCASTER, repaired and beautified the castle of Tutbury, which became his principal residence. He found it and the adjoining country, still suffering from the injuries sustained during the rebellion of the last Earl of Derby; but he turned his early attention to their improvement, and, under his protection, an evident alteration for the better soon took place. He did homage for and had livery of his estates here, in the twenty-sixth year of Edward the First; two years after this he had license to hold a market and a yearly fair at Yoxhall, and, in the thirty-fourth year of the same reign, similar license for a market at Wirksworth on every Tuesday, and a fair there on the eve, feast-day, and morrow of the Nativity of the Virgin Mary. In the second year of Edward the Second, he also obtained the grant of a weekly market on Wednesdays, and a fair at Uttoxeter.

The splendour in which he lived, and the costliness of his establishment, will be apparent from the following statement of his domestic expenses for one year (1313), as furnished by Henry Leicester, his treasurer :

	£.	s.	d.
"The charge of the pantry, buttery, and kitchen,	3495	0	0
To 184 tuns and 1 pipe of red or claret wine, and 2 tuns of white wine,	104	17	6
To grocery,	180	17	0
To 6 barrels of sturgeon,	19	0	0
To 6800 stock-fish (so called), and for dried fish of all sorts, such as lings, haberdines,* &c.,	41	6	7
To 1714 lbs. of wax, vermilion, and turpentine,	314	7	4½
To 2319 lbs. of tallow candles, for the household, and 1870 of lights for Paris candles, called perchers,	31	14	3
To charge of the Earl's great horses, which were generally more than 1500, and servants' wages,.....	486	4	3½
To linen, for the Earl and his chaplains, and for the pantry,.....	43	17	0
To 129 dozen of parchment and ink,	4	8	3½
To 2 cloths of scarlet, for the Earl's use; 1 of russet, for the Bishop of Anjou; 70 of blue, for the knights; 28, for the esquires: 15 of medley,† for the clerks; 15, for the officers; 19, for the grooms; 5, for the archers; 4, for the minstrels and carpenters; with the sharing and carriage of the Earl's liveries at Christmas,	460	15	0
	<hr/>	<hr/>	<hr/>
	5182	7	3½

* Haberdines are a sort of salt fish.

† Medley, cloth of mixed stuff.

	£.	s.	d.
Carried forward,	5182	7	3½
To 7 furs of valuable miniver, or powdered ermine, 7 hoods of purple, 395 furs of budge,† for the liveries of barons, knights, and clerks; 123 furs of lambs, bought at Christmas, for the esquires,	147	17	8
To 65 saffron-coloured cloths, for the barons and knights in summer; 12 red cloths, for the clerks; 26 ray-cloths,§ for the esquires; 1, for the officers; and 4 ray-cloths, for carpets in the hall,	345	13	8
To 100 pieces of green silk, for the knights; 14 budge furs, for surcoats; 13 hoods of budge, for clerks; 75 furs of lambs, in summer, with canvass and cords to truss them,	72	19	0
To saddles, for the Lord's summer liveries,	51	6	8
To 1 saddle, for the Earl, of the Prince's arms,	2	0	0
To several items (unknown),	241	14	1½
To horses lost in the Earl's service,.....	8	6	8
To fees paid to earls, barons, knights, and esquires,	623	15	5
To gifts to Knights of France, the Queen of England, nurses to the Countess of Warren, ⁶¹ esquires, minstrels, messengers, and riders,	92	14	0
To 168 yards of russet cloth, and 24 coats, for poor men, with money given to the poor on Maundy Thursday,	8	16	7
	<hr/> 6777	<hr/> 11	<hr/> 1

† Budge, the dressed furs of lambs.

§ Ray-cloth, cloth that was never dyed.

⁶¹ This Countess of Warren was niece to the king, and, being separated from her husband, resided at the court.

|| Memoirs of Earls of Warren.

HISTORY OF THE CASTLE.

41

	£.	s.	d.
Carried forward,	6777	11	1
To 24 silver dishes, 24 saucers, 24 cups, a pair of Pater-nosters, 1 silver coffer,¶ all bought this year,	103	5	6
To divers messengers about the Earl's business,	34	19	8
To sundry things in the Earl's chamber,	5	0	0
To several old debts paid this year,.....	88	16	0½
The expenses of the Countess at Pickering in the pantry, buttery, kitchen, &c.,	285	13	4½
In wine, wax, spices, cloths, furs, &c., for the Countess's wardrobe,	154	7	4½
	<hr/> £7449 13 0½ <hr/>		

At that period the price of a fat ox varied from 16*s.* to 24*s.*; a fat cow was worth about 12*s.*; a two-year-old hog, 3*s.* 4*d.*; a shorn sheep, 1*s.* 2*d.*; a goose, 3*d.*; a capon, 2½*d.*; a hen, 1*d.*, or a couple of chickens, 1½*d.*; three pigeons, 1*d.*; and twenty eggs, 1*d.*⁸⁹ It must be remembered also, that the value of silver was then only 1*s.* 8*d.* an ounce; so that this year's expenditure of the Earl of Lancaster, would exceed £22,000. in our money, an enormous sum, considering the above-stated price of provisions.

Well would it have been for the Earl of Lancaster, had he confined his views to the improvement of his estates, and the sumptuous hospitality of his household; but he had already made himself obnoxious to the king, by the active part he had taken in the de-

¶ Silver coffer, a chest to hold silver in.

⁸⁹See Strype's edition of Stow, book i. pages 245 and 365.

struction of his favourite Gaveston,⁸³ and each succeeding year seemed to increase the animosity which existed between them. After the defeat of the king's forces at Bannockburn, the Earl of Lancaster and other barons, who had declined attending him in this expedition against the Scots, took advantage of his misfortunes, and compelled him to place the government of the kingdom under their direction. Edward, weak as he was, could but ill support the disgrace to which he was thus subjected; and he determined to avenge himself, by wounding the feelings of this proud nobleman in the most tender point. He had married, in the fourth year of Edward the Second,⁸⁴ Alice de Lacy, the great heiress of the Earl of Lincoln, who increased his already enormous property, by an inheritance of ten thousand marks per annum. By a singular provision in the settlement which was made by her father of his estates, they were, in case of failure of issue to his daughter, to remain over to the heirs of Edmund, Earl of Lancaster; and thus they became inseparably united to the other estates of the family into which she married. This connexion, however eligible in point of fortune, did not bring with it any great share of domestic comfort: the lady was giddy and thoughtless; her husband, reserved and neglectful. Their domestic differences reached the ears of the king; and he encouraged a young and voluptuous knight, who was nearly related to the

⁸³ Thomas Walsingham, p. 74. 40. Rapin's and Hume's Histories of England, anno 1312.

⁸⁴ Rot. Fin. 4. Edw. II. m. 2, and Dugdale's Baronage.

Earl of Warren, to carry off the Countess of Lancaster, from a house, belonging to her husband, at Canford, in Dorsetshire.⁸⁵ This project was carried into effect on the Monday before the Ascension, 1317. She was borne off in triumph towards Reigate castle, in Surry, where the Earl of Warren then was: but, as the young knight and his companions were passing through the woods near Farnham, they met with a temporary interruption from a body of priests, who were perambulating some parish boundary, and whom they mistook for persons sent by the Earl of Lancaster to rescue her: in the alarm of the moment they fled, leaving the lady almost alone; but they soon afterwards returned, bringing with them a short, deformed, and mean-looking person, called Richard St. Martin, who claimed the lady for his wife, and she was accordingly delivered into his power. This wicked affair occasioned a divorce between Thomas Earl of Lancaster, and his Countess; he satiated his private revenge upon the Earl of Warren, by destroying Sandal Castle, near Wakefield, which belonged to him:⁸⁶ but he was yet unacquainted with the deep share which the king had in this concern. The effect produced by the encouragement which Edward had given to it, was exactly such as he could have desired: the Earl of Warren, who had, for several years before this transaction, supported the Earl of Lancaster

⁸⁵ Thomas Walsingham, sub anno 1317, 10th of Edw. II. pages 108, 109.

⁸⁶ Watson's Memoirs of the Earls of Warren and Surry, vol. ii. p. 19.

against the king, henceforth became the open enemy of that nobleman, and was the chief instrument in the king's hands of completing his destruction. About this time the Earl of Lancaster was engaged in the Scotch war; and the next year having been ordered by the king to raise an army of two thousand foot, well armed, with which to attend him at Newcastle, he retained Sir Hugo Meynell, and Sir John Ewre, knights, under written agreements, to serve him both in war and peace, the former with three men at arms, the latter with ten, of which three were to be knights; and he agreed to allow them hay and oats for their horses, wages for their attendants, wine and candles, &c.⁸⁷ He had now reason, however, to believe, that the king was privy to the indignity which he had suffered the preceding year from the Earl of Warren; and he only waited for a fit opportunity of proceeding to acts of direct hostility against him. It was not long before an event occurred, which gave him a pretence for so doing. The younger Spenser, who, as well as his father, stood high in the king's favour, had forcibly taken possession of some lands, on the borders of Wales, to which the Earl of Hereford had a claim;⁸⁸ the latter applied to the Earl of Lancaster for aid, and together they brought about a powerful coalition of barons (amongst whom were the Lords Roger d'Ammory and de Clifford) against the king and his favourites. A civil war was the consequence: the

⁸⁷ Dugdale's Baronage.

⁸⁸ Dugdale's Baronage, Thomas Walsingham, and Holinshed's Chronicles.

confederate barons committed the most dreadful devastation upon the estates of the two Spensers, and destroyed with unrelenting fury the innocent occupiers, together with the produce of their farms. From thence they marched to London, and brought a charge against the Spensers, before the parliament which was then sitting. The parliament, overawed by threats of violence, passed a sentence, that they should both be disinherited and banished for life.⁹⁰ This sentence, however, was, at the instigation of the king, revoked the same year, notwithstanding the efforts of the Earl of Lancaster and his friends, who wrote letters to the king strongly protesting against such a measure. Upon this occasion Edward acted with much more decision and promptitude than usual: he lost no time in taking possession of the towns, castles, and manors of his adversaries. The success which attended him, daily increased the number of his adherents; and, after driving the Earl of Hereford and his confederates from the Welsh borders, he proceeded from thence to Coventry.⁹⁰ In the meantime the Earl of Hereford, the lords John Mowbray and Clifford, with several other barons, had joined the Earl of Lancaster at Pontefract Castle, and they prepared, on their side, to resist the further progress of the king.

At this critical moment, some active partisans of the royal cause in the north intercepted six letters, which had been sent by a messenger out of Scotland, and the Archbishop of Canterbury published their

⁹⁰ Matthew Westminster, and Holinshed's Chronicles.

⁹⁰ Rymer's Fœdera, vol. iii. p. 927; Holinshed's Chronicles.

contents in London by the king's command: two of them bore the seal of the Earl of Murray, who was lieutenant to Robert Bruce, the Scotch King, and contained safe conducts for Lord John Mowbray, Lord John Clifford, and Sir Thomas Topcliffe (chaplain), to go into Scotland, and to return from thence; three others were sealed with the seal of Sir James Douglas, one of which contained a similar safe conduct; a second was directed to King Arthur (a feigned name, under which the earl was intended); and a third, to Lord Ralph Nevill; the sixth letter had no direction, but was to the following effect:

*"You shall understand, my Lord, that the communication before-hand had, is now brought to a conclusion. For the Earl of Hereford, the Lords Roger D'Amory, Hugh de Audley the Younger, Bartholomew de Badelesmere, Roger de Clifford, John Gifford, Henry Tyey, Thomas Manduit, John de Willington, myself, and all others, are come to Pontefract, and are ready to make you good assurance, so that you will perform the things discussed between us, to wit, that you should come to aid us, and to go with us into England and Wales, to live and die with us in our quarrel. We, therefore, beseech you to assign us a day and place, where we may meet, and we will be ready to accomplish fully our business; and we beseech you to make us a safe conduct for thirty horsemen, that we may in safety come into your parts."*⁹¹

The Earl of Lancaster had been suspected of having held, for some time, a secret correspondence with the King of the Scots; and it is certain, from the

⁹¹ Rymer's *Fœdera*, vol. iii. p. 926.

above-mentioned letters, that those suspicions were well founded. But so great was the success which had already attended the royal arms, that many of the barons began to recommend submission; upon which the Earl of Lancaster summoned a council at Pontefract, where he openly declared his alliance with Scotland, and the promise he had received of a reinforcement from that country, under the command of the Earl of Murray and Sir James Douglas.⁹² Circumstances daily occurred to render further delay impossible: the king was moving from Coventry with sixteen hundred horse and a large body of foot soldiers; the extensive estates of the earl in the midland counties lay entirely at his mercy; a decisive blow must be struck, or the great source from whence he drew his supplies would be thus cut off. He had already lingered too long at Pontefract, in expectation of the promised aid from Scotland; and he determined to prevent, if possible, the devastation which threatened his hereditary possessions, by marching with all his forces, amounting to thirty thousand men,⁹³ against the king, before he should arrive there. He, therefore, hastily abandoned the siege of Tickhill Castle, which had held out against him and his confederates longer than he had expected, and arrived with his whole army at his castle of Tutbury, in the beginning of March (1320);⁹⁴ having dispatched Sir Robert de Holland, upon whom he placed great confidence, to collect re-

⁹² Hume's History of England, anno 1322.

⁹³ Ibid.

⁹⁴ Bothroyd's History of Pontefract.

inforcements out of the north, with which he was directed to join him as speedily as possible.

Some of my readers may, perhaps, never have passed over the long and narrow bridge of thirty-six arches, which crosses the river at Burton-upon-Trent: during the period to which my history now refers, it was equally long, and even narrower than it is at present; a chapel then stood at the northern end of it, above a gateway, which formed the entrance into the town;⁹⁵ the other end of the bridge was open, but capable of an easy defence, on account of the battlements being high, and the road between them narrow. The earl instantly availed himself of this favourable position to oppose the progress of the king, whose approach to Tutbury castle lay through this place: he strongly fortified each end of the bridge, and manned the battlements with some of his choicest troops. The monks, who inhabited the abbey of Burton, were compelled to assist him with contributions of money and provisions, whilst a multitude of rapacious and disorderly soldiers were quartered upon the inhabitants of the town.⁹⁶ On the 6th of March, when the king had arrived at the village of Caldwell, within four miles of Burton, where he had intended to have passed the night, he was first informed, that his enemies had got possession of the bridge, and disputed his passage over it. His vanguard had already made an attempt to dislodge them, but had been repulsed with

⁹⁵ In the Gentleman's Magazine, vol. xxi. p. 296, is an engraving of this bridge, with this chapel upon it.

⁹⁶ MS. in the Bodleian Library, K. 84. f. 99. a. b.

considerable loss. During the last three days of his march, it had rained almost incessantly; the brooks were swollen, and the Trent had overflowed its banks: the royal army was much fatigued and dispirited by these untoward circumstances; and although the accommodations which the country afforded, were very insufficient for so large a force, it was found absolutely necessary to halt here for a few days. In this dilemma it was determined by a council of war, that the Earl of Surry should endeavour to pass the river, with the heavy-armed troops, by a bridge some miles distant; and so bring them up to attack the enemy's rear, whilst the rest of the army were to continue the assault upon the bridge at Burton.* The passage of the river was effected, however, with greater ease than had been anticipated; for, during this delay, the weather had become fine, and the floods, which are here equally rapid in their rise and fall, had subsided: early on the morning of Wednesday, the 10th of March, a tenant of the abbot of Burton, who had suffered from the exactions of the Earl of Lancaster and his party, came to the head-quarters of the king, and informed some of his officers, that there was a ford then passable, by which they might safely conduct their men across the river. This welcome intelligence was no sooner received, than they proceeded to act upon it: the Earls of Richmond and Pembroke were sent with three hundred horsemen in complete armour, to gain the ford; whilst the king with his bro-

* Holinshed's Chronicles.

ther, the Earl of Kent, secretly drew off the main body of the army, by cross-roads and narrow lanes, to the village of Walton, where this ford was situated. In the meantime a brave officer, named Robert Waters, was left to make a vigorous attack upon the head of the bridge with a party of infantry, backed by a considerable number of archers and crossbow-men, in order that the Earl of Lancaster and his men should have less opportunity of perceiving their movements.⁹⁸ The execution of the plan was crowned with the most complete success: Robert Waters performed his part so efficiently, that it required the whole power of the enemy to repel his attack, whilst the remainder of the king's army was conducted through the ford in safety, and unperceived by the enemy, until they had arrived in the meadows beyond the town. It was then that the confederate barons, fearful of being surrounded, abandoned the defence of the bridge, and hastily drew up their men in order of battle. They were not, however, prepared to meet so large a force, as the king was enabled to bring against them; for he had received, within the last three days, considerable reinforcements; and his army having been partially concealed, during that time, from those who were in the town, by the rising ground on the opposite side of the Trent, they were not aware of its numbers, before they saw them collected in the plain after their passage through the river. Consternation and irresolution were the necessary consequences of this surprise: the

⁹⁸ Holinshed's Chronicles.

Earl of Lancaster had none of the qualifications of a general, being alike ignorant of securing the fruits of victory, and of remedying any oversight that might have been committed: added to which, his officers and their men were as rapacious and disorderly in their quarters, as they were timid and undisciplined in the field. In the distraction of the moment he could give no orders, nor did his accomplices venture to advise him: all returned precipitately into the town, which, in the wantonness of despair, they set on fire; from hence they were soon dislodged by the king's troops, and, after having suffered great loss, the earl and his attendants retreated to Tutbury. In this action the Lord Roger d'Ammory was so badly wounded, that he died, in a few days afterwards, in the priory of that place.⁹⁹ The king's people, upon entering the town of Burton, succeeded in extinguishing the flames, and found considerable booty¹⁰⁰ there, which the enemy in their haste had left behind them. The defeat of his army was not the only calamity, that the unfortunate earl was doomed to suffer on this eventful day: no sooner had he reached his castle, than he received the unwelcome news of Sir Robert Holland's defection; that unworthy favourite, instead of bringing with him the long-expected supplies from the north, had betrayed his trust, and gone over to the king. Thus deprived of all hope of further succour, and being unprepared with the means of sustaining a regular siege at Tutbury, he determined to return to

⁹⁹ Leland's Collectanea, vol. i.

¹⁰⁰ Holinshed's Chronicles.

Pontefract, and from thence, should it be requisite, to proceed to Dunstanburgh, in Northumberland, which place, from its proximity to the borders of Scotland, would give him every advantage of communication with his northern allies.¹⁰¹

Previous to his defeat he had caused a considerable quantity of Scotch coin to be forwarded to Tutbury, under the impression, that it would be wanted to pay the soldiers, whom his allies had promised to send him : it was now no longer useful in these parts ; and he intrusted it, together with a large amount of English and Flemish coin, to the care of Leicester, his treasurer, with orders that he should convey it as quickly as possible to Pontefract. The celerity, however, with which the king continued his pursuit, scarcely permitted the earl to make these necessary arrangements : the other barons, with the troops under their command, had already set out on their march, and he was now compelled to follow them with less delay than he had contemplated, for notice was brought him, that his enemies were approaching the castle.¹⁰² The military chest was sent off under a strong detachment, and the Earl of Lancaster had not left the castle half an hour before the king's troops entered it. In the alarm and confusion, which attended the passage of the river Dove below the town, the chest with all its contents was lost : Leicester never returned to recover the treasure, and successive floods soon deposited above it

¹⁰¹ Leland's Collectanea, Dugdale's Baronage, and Bothroyd's Pontefract.

¹⁰² Dugdale's Baronage.

a deep bed of sand and gravel. After the lapse of five centuries, upwards of three hundred thousand of the coins which this chest contained, were, in the month of June, 1831, recovered from the bed of the river, by the astonished inhabitants of Tutbury and its vicinity.

No sooner had King Edward entered the castle, than he adopted immediate measures for the apprehension of its proprietor: he addressed letters to the Sheriff of Derbyshire and Nottinghamshire, in which he denounced the earl and his adherents as rebels and traitors, and desired him to levy hue and cry against them with hand and horn, and to use all other means for their detection. He issued similar orders on the 11th of March, the day after his arrival, to all other sheriffs throughout the realm, and to the Bishop of Durham and the Justice of Chester;¹⁰³ the same day he sent a sufficient force under the command of the Earls of Kent and Surry, to pursue the fugitives, with directions that they should lay siege to the Castle of Pontefract, and seize all that they found therein into the king's hands.¹⁰⁴ After having rested at Tutbury for five days, he ordered the castle to be dismantled, and set out for Doncaster with the remainder of his forces, where, upon his arrival, on the 18th of March, he was gratified with the intelligence of the Earl's capture, and of the entire suppression of the rebellion. From Doncaster he sent an account of these disturbances, and the successful termination of them, to the Pope, by the hands of Robert de Wirksop, a doctor

¹⁰³ Rymer's *Fœdera*, and Holinshed's *Chronicles*.

¹⁰⁴ Rymer's *Fœdera*, and Bothroyd's *History of Pontefract*.

of theology, whom he dispatched for that special purpose.¹⁰⁵

In the meantime the Earl of Lancaster made a precipitate retreat to his castle at Pontefract, during which a number of his companions in arms deserted him. His first intention was to have awaited the event of a siege at that place; but the barons, who still adhered to him, perceiving that their forces, weakened as they had been by desertion, could no longer successfully resist the victorious arms of the king, and fearing, lest their retreat to the Scotch borders might be entirely cut off, if they remained longer there, they insisted upon continuing their march northwards.¹⁰⁶ They had not proceeded further than Boroughbridge, when they encountered a formidable force under the command of Sir Simon de Ward, the Governor of York, and Sir Andrew de Harclay, the Governor of Carlisle, both of whom had received copies of the king's proclamation, and, in consequence thereof, resolutely opposed his further progress.¹⁰⁷ A battle became inevitable; in attempting to force the passage of the bridge, the Earl of Hereford received a mortal wound from the spear of a Welsh soldier; and the Earl of Lancaster, incapable of rallying his dispirited forces, was taken prisoner, together with ninety-five of the barons and knights who accompanied him. This signal defeat took place on the 15th of March, and immediate intimation of it was given

¹⁰⁵ Rymer's *Fœdera*.

¹⁰⁶ Holinshed's *Chronicles*.

¹⁰⁷ Leland's *Collectanea*, vol. 1, and the *Chronicle of William de Packington*.

to the king, who directed Sir Andrew de Harcley, to convey the captive earl to Pontefract, where he arrived on the 21st of that month. Without further delay Edward summoned a council of his officers, before whom this unfortunate nobleman was arraigned: the form of a trial was scarcely preserved; for the illegal execution of his favourite Gaveston was still fresh in the king's memory, and he now hastened to revenge himself upon one of the principal perpetrators of that unforgiven crime.¹⁰⁸

Under circumstances such as these, it was adjudged by the council, that the earl should be drawn, hanged, and beheaded, and the rigour of this sentence was much aggravated by the manner in which it was executed; for, although, on account of his royal descent, Edward dispensed with the former part of it, and confined his punishment to that of being beheaded, his cowardice prompted him to add insult and mockery to the severe trials which his fallen foe had already endured: mounted on a lean horse, and clothed in mean apparel, the condemned earl was led to the place of execution amidst the shouts of a hired rabble, who derided him with the title of "King Arthur," a name which had been assumed in the correspondence with his Scotch allies.¹⁰⁹ The precise day on which he suffered, is rather doubtful; some authors stating it to have been on the 22d or 23rd of March,¹¹⁰ others

¹⁰⁸ Rymer's *Fœdera*, Leland's *Collectanea*, and Holinshed's *Chronicles*.

¹⁰⁹ Hume's and Rapin's *Histories of England*, Rymer's *Fœdera*.

¹¹⁰ Holinshed and Dugdale.

on the 11th of April,¹¹¹ whilst the king's official charge against him, and the authority for his execution, bear date at York on the 2d of May;¹¹² it is probable, however, that the sentence was carried into immediate effect, and that the king, to justify the illegality of the proceeding, embodied his accusation and condemnation in a more formal document after the execution had taken place.

Thus died Thomas Earl of Lancaster, one of the most powerful subjects, that ever existed in the kingdom of England. His character has been variously drawn, according to the different views which were taken of his political conduct. The monks of Pontefract, who were dissatisfied with the king, on account of some affront he gave them whilst in that town, endeavoured to represent him as a martyr, and pretended that miracles were performed at the place of his execution and his tomb;¹¹³ whilst, on the other hand, his enemies accused him of gross immorality and hypocrisy. Whatever his private conduct might have been, his public was certainly chargeable with numerous errors. He was turbulent in disposition, but feeble in execution: fond of plotting, but irresolute in acting: his influence induced many to support his schemes, but his incapacity involved all such as did so in irretrievable ruin. The king was not satisfied with his death alone, but caused the greater part of his

¹¹¹ Leland.

¹¹² Rymer's *Fœdera*.

¹¹³ It is a singular fact, that Edward the Third made an urgent application to the Pope, for the canonization of this very Earl of Lancaster, whom his father slew. There are several curious papers upon this subject in Rymer's *Fœdera*.

adherents to be executed at various places in the kingdom ; so that more noble blood is reported to have been shed upon this occasion, than upon any other since the Norman Conquest.

Upon the decease of this earl his estates were seized into the king's hands, and the castle and honor of Tutbury, with the rest of his possessions in Staffordshire, Derbyshire, and Leicestershire, were consigned to the custody of Roger Beler,¹¹⁴ of Kirkby Belers, in the County of Leicester, who was attached to the king's person.¹¹⁵ Edward the Second, in the sixteenth year of his reign, granted the castle of Tutbury in reversion to his son John, commonly called, of Eltham;¹¹⁶ but this grant was never confirmed, for, within five years, that unhappy monarch became the captive of Henry de Lancaster, brother of the late earl, and rightful heir to his title and estates:¹¹⁷ in 1327 his claim to them was admitted by Prince Edward and the lords, who had assumed the administration of the affairs of state; and, as soon as Edward the Third had mounted the throne, an act of parliament was procured, for reversing the attainder of Thomas Earl of Lancaster, upon the ground that he had not been tried by his peers according to law and Magna Charta.¹¹⁸ In the same year an inquisition was taken, respecting the lands which he had held at the time of his death,

¹¹⁴ Rymer's Fœdera.

¹¹⁵ Nichols's History of Leicestershire.

¹¹⁶ Cal. Rot. Chart. Ed. II. anno reg. 16.

¹¹⁷ Walsingham, and Leland's Collectanea.

¹¹⁸ MSS. in the Off. of the Duchy of Lancaster, and Rymer's Fœdera.

and, amongst many others, the following in the county of Stafford are mentioned : Tutbury Castle, Tutbury, Rolleston, Barton, Agardsley, Marchington, Uttoxhather, Needwood Chase, Yoxhall Manor, and Rowley Park.¹¹⁹

Henry Earl of Lancaster, his brother, succeeded, upon the reversal of the attainder, to all his estates, excepting the Inner Temple in London, given by Edward the Second to the Earl of Pembroke, and some lands in Yorkshire, which had been granted to the Earl of Surry for his life.¹²⁰ There are few transactions of this earl upon record, which are at all connected with the honor of Tutbury. In the second year of Edward the Third, he obtained license for a market every Wednesday at Melbourne, and, two years afterwards, he received a confirmation from the king to himself and his heirs, of all the castles, manors, and lands, which formerly belonged to Robert de Ferrers and Simon de Montfort.¹²¹ In answer to a plea of quo warranto, held at Derby in the fourth year of Edward the Third, he proved, by John de Hanbury, his attorney, that he held the manor of Duffield, with its members, and the manors of Hartington, Spondon, and Mapperly, with their appurtenances, as of the honor of Tutbury, of which he was lord ; he also claimed view of frank pledge, and other privileges within the hundreds of Gresley, Appletree, and half Litchurch, as lord of the said honor, together with the

¹¹⁹ *Inquisitiones post mortem.*

¹²⁰ *Rymer's Fœdera.*

¹²¹ *Cart. 4. Edw. III. n. 19.*

manor and wapontake of Wirksworth, and a toll upon all cattle and merchandise offered to sale in the town of Ashbourn; all which claims were fully confirmed. In 1328 the Earl of Lancaster, on account of his dislike of the proceedings of the king's mother and Mortimer, refused to attend the parliament held at Salisbury, where John of Eltham was created Earl of Cornwall, Roger Mortimer, Earl of March, and Edmund Boteler, Earl of Ormond. In consequence of this supposed mark of disrespect towards the king, these earls with their adherents were permitted to collect a large force, with which they laid waste the Earl of Lancaster's lands in the vicinity of Leicester for eight days successively. They destroyed his woods, threw open his parks, cut down the heads of his pools, and took away every thing of value that they could find, not even sparing the ornaments of the churches. Upon the approach of the Earl of Lancaster, however, with a more powerful army, they hastily dispersed, and the affair was shortly after adjusted.¹²² The principal residence of this earl was at the castle of Leicester; and he there founded a hospital, to which he gave one hundred marks out of his honor of Tutbury. Here also he died, in 1345, and was buried in the chapel attached to this hospital in a most sumptuous manner, the king and queen, with the queen dowager, the archbishops, and many bishops, earls, and barons, having attended his obsequies.¹²³ By his

¹²² Nichols's History of Leicestershire, and Dugdale's Baronage.

¹²³ Dugdale's Baronage.

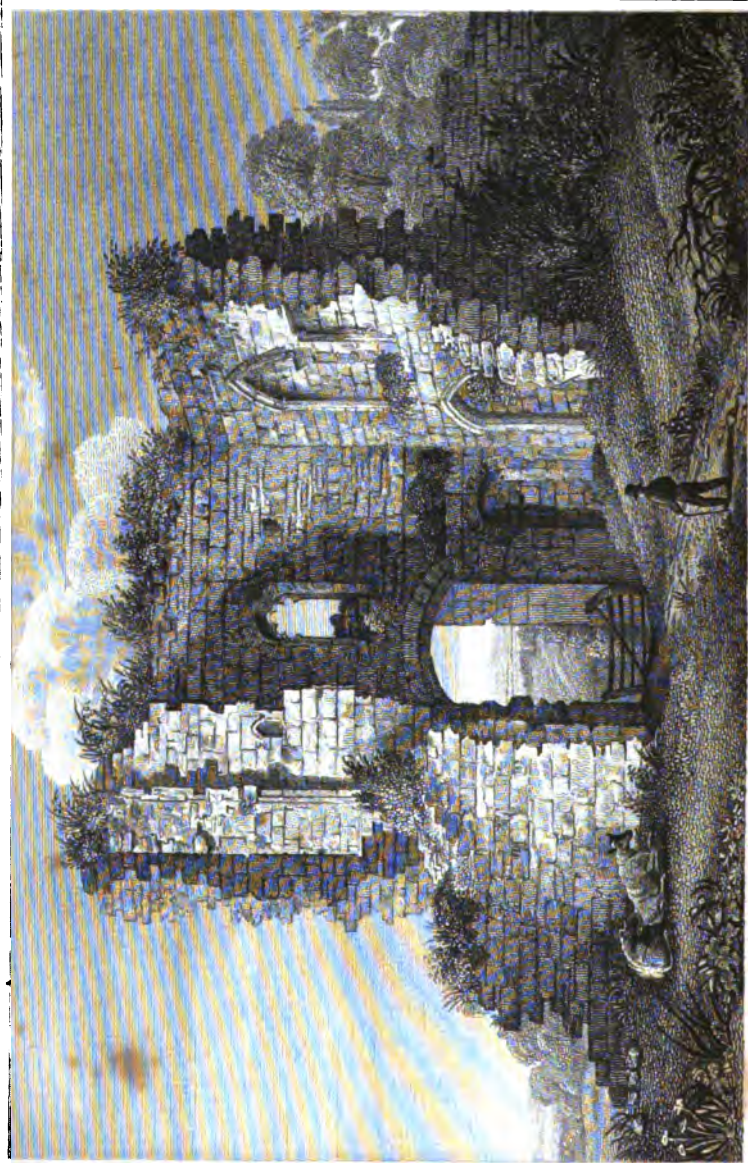
wife Maud, the daughter and heiress of Sir Patrick Chaworth, Lord of Kidwelly, he left one son :

Henry, created Earl of Derby on the 16th of March, in the eleventh year of Edward the Third, during his father's life, at whose decease he was engaged in the war which that king was carrying on in Gascony, and, therefore, prevented from attending the funeral. Upon the death of Alice, the widow of Thomas Earl of Lancaster, in 1348, he succeeded to her immense possessions, and was, on the 6th of March, 1351, created a duke, being the first English subject, if we except the sons of some of our kings, who was invested with that title, since the Norman Conquest. He was one of the great captains of his age, whose chivalrous exploits formed the exulting boast of every Englishman, and produced a paralyzing dread in the hearts of all opponents. The greater part of his active life having been passed in foreign parts, we have few circumstances to record respecting his connexion with the honor of Tutbury : in the sixteenth year of Edward the Third, he granted several liberties and privileges within the forest of Needwood to his burgesses of Tutbury, which they did not before possess ;¹²⁴ but his chief benefactions were bestowed upon the town of Leicester, where he founded a college, attached to the hospital which his father had built, and in the chapel of which he was also buried, having died of the plague at Leicester, on the 24th of March, 1361. He left issue by Isabella, his wife, daughter to Henry Lord Beaumont, two daughters, the eldest of whom,

¹²⁴ Liber Niger de Nedewood, mentioned before, page 37.

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Turner's Study

Turner's Study of the Castle of St. Andrew, 1840

Turner's Study of the Castle of St. Andrew, 1840

named Maud, married, first, Ralph, son and heir to Ralph Lord Stafford, and, secondly, William Earl of Hainault and Duke of Zealand, but she died without issue; his second daughter, Blanch, became the wife of John of Gaunt (so called from Ghent or Gaunt in Flanders, where he was born), the fourth son of King Edward the Third, created afterwards Earl of Richmond and Duke of Lancaster.

Between these two coheiresses, the extensive possessions of the late Duke of Lancaster were divided: the trustees appointed to effect this partition, were the Bishop of Lincoln, Robert de la Mare, John de Bukland, John Charnells, Walter Poer, Simon Simeon, and John Newmarch:¹²⁵ to the Earl of Hainault, and Matilda his wife, they awarded the estates which had formerly belonged to the earls of Leicester; and to John of Gaunt, and Blanch his wife, those which had previously formed the earldoms of Derby and Lancaster. The honor of Tutbury, consequently, fell to the latter, and after having been neglected by its owners for upwards of forty years, the castle was again restored to its former strength and beauty, under the direction of John of Gaunt: since the death of Thomas Earl of Lancaster, it had continued in ruins, and, to make it habitable, its present possessor was obliged to take down nearly the whole, except the walls, and rebuild it. The present gateway, and the northern front of the apartments, afterwards occupied as a presence chamber by Mary Queen of Scots, are the only parts which now

¹²⁵ See the original charters of partition, enrolled in the Coucher Book of the Duchy of Lancaster.

remain of the edifice erected by this prince. We are now arrived at a period of uncommon splendour in the annals of Tutbury : the inhabitants of that town had suffered most severely from the effects of the rebellion of Thomas Earl of Lancaster ; and the removal of the subsequent proprietors from the long-frequented residence of their predecessors, had tended much to increase the depression under which they languished : a new scene was now about to open, surpassing in gaiety and magnificence any thing which they had before witnessed. The mouldering turrets of their ancient castle arose, phoenix-like, from their ashes, with redoubled glory ; the rank weeds no longer flourished within the neglected area of its walls ; the breeze no longer sighed sorrowfully through the shattered casement. Crowds of attendants were now beheld bustling through the paved courts ; knights and squires, in gorgeous apparel, were now seen passing and repassing from the gates on well-trained steeds, whose trampling hoofs made the massive walls resound ; mirth and festivity once more resumed their sway in the baronial hall, and a state of prosperity, greater than was ever before known, now exhilarated the happy tenants of John of Gaunt.

In the archives of the Duchy of Lancaster, there is still preserved an inspeximus of Henry the Eighth, which recites, as then existing on the files of the Chancery of King Edward the First, a document affording much local information respecting Tutbury at this period ; it is entitled, "*An extent of the lands and tenements, which were held by the Lord Edmund, brother*

of the King of England, of the Honor of Tutbury, in the County of Stafford, made before William Ryther, Ralph de Shirley, and William de Wrottesley, the Subescheator of the said County, in pursuance of a brief from the King, on Monday next, after the Feast of St. John, ante Portam Latinam, in the twenty-sixth year of King Edward (the First), upon the oaths of Ralph de Rolleston, John de Miners, Thomas Chamberlain, William Engelon, Richard de Barton, Stephen de Curson, William de Ridware, William de Hulton, Robert Hunter, Henry Cook, and Henry Parker, all of Rolleston and Tutbury aforesaid." From hence we learn, that the castle was at that time firmly built, and in substantial repair; that there was an inclosure under the castle wall, with a garden, curtilage, and vineyard,¹²⁸ and also a plot of meadow ground below this inclosure, the profit of which was, upon an average, worth forty shillings a year. The arable land in demesne, consisted of 299 acres, which being worth 1s. 6d. each acre, was valued at £9. 19s. 4d. There were 7½ acres of land upon Holywell Hill, which, at 4d. an acre, amounted to a rental of 2s. 6d. There were 85 acres of meadow, worth 3s. an acre, in the lord's hands, amounting to £12. 15s. annual value. The pasturage of different parts of the manor, with the herbage of the Obholme, after the hay was carried off, was worth upon an average 10s. There

¹²⁸ This garden and vineyard are again noticed, when the Queen of Castile resided here; their situation is shown upon the ground-plan of the castle.

were two water-mills, worth £10. a year.¹²⁷ The borough of Tutbury was worth, in the rental of fairs, in markets, pleas, perquisites, and customs, including the baron toll, £21. Besides the above there were 3 acres of land, lately assarted or reclaimed, worth 2s.; and a headland, called Longheadland, worth 1s. per annum. The rent of assize from the field *Makeblyth*, with the rent of Robert de Touk, was valued at 20s. 3d. a year. The pleas and perquisites of the free court, averaged £8. each year. The total annual value of Tutbury thus being £65. 10s. 1d.

The rental of Rolleston amounted to £25. 5s. 1d., and consisted, amongst other things, of the following items: the rent of assize from the free tenants, was worth £3. 3s. 11½d.; the rent of cottagers, with their work, was valued at 16s. 8d.; the rent of assize, from 3 roods, and 2 butts of land, near the steward's ditch, was 10d.; and from 2 acres of pasture, and 1 rood of land from the washing of the water, 2s. a year. The customary tenants of this place gave for tallage, at the Feast of St. Martin, £4., and for rent, at the Nativity, 55 hens, which were valued at 4s. 7d., and for rent, at Easter, 150 eggs, valued at 1s. 1½d. per annum. They also gave as a rent, at Easter, for the liberty of collecting dry wood in the forest, 11 quarters and 5 strikes of oats, which, upon an average of years, being worth 1s. 4d. a quarter, were valued at 15s. 6d. An ancient payment of 4s. per annum, was also made by these

¹²⁷ These water-mills are subsequently mentioned in a survey taken in the reign of Henry the Fourth.

customary tenants, at the two great courts; and, as a poll-tax for their young men,¹²⁸ an annual payment of 2*s.* was also made by the same tenants. The free fishery in the water of Dove, was worth, upon an average, £1. 13*s.* 4*d.*, and the pleas and perquisites of the courts £1. a year.

At Barton-under-Needwood there was a capital messuage, well built, with a garden and dove-cote, worth 6*s.* 8*d.* a year. There were in demesne within that manor 32 acres and 1 rood of meadow land, worth 2*s.* 6*d.* an acre, amounting to £4. 0*s.* 7½*d.* There was also a divisible pasturage, which is called the Hay, worth upon an average 10*s.* a year. A water-mill upon the Trent, and a fulling-mill adjoining, were valued at £3. 13*s.* 4*d.* a year: there was also another water-mill in the park of Barton, worth 6*s.* 8*d.* annually. In the Trent was a free fishery, which, together with the fishery of Lechend, brought a profit of 10*s.* yearly. The passage of carriages over the Trent free from damage, was reckoned at 4*s.* a year. The rent of assize, together with the rents of 6 hens, and 1 pair of spurs, 6 dozen of arrows, and 1 pound of pepper, produced an annual return of £17. 11*s.* 4*d.* A certain pasture, near the ford of Walton, was held by charter at 8*s.* a year. The rent of assize for lands ploughed from the waste, was £6. 4*s.* 10*d.* The works of the customary tenants and cotters in Barton and Dunstall, were estimated at £7. 10*s.* 8½*d.* a year; and the common oven produced 13*s.* 4*d.*, with a certain toft and

¹²⁸ "Chevagium garciorem," a sum of money paid by villains to their lords, as an acknowledgment of their subjection.

the curtilage thereof, which were worth 8s. a year. The aforesaid customary tenants, gave for tallage, at the Feast of St. Martin, £4. 17s. 4d.; and, as a poll-tax for their young men, 5s.: amounting in the whole to £47. 4s. 1½d. There was in the same manor, at Dunstall, the rent of assize, which was annually worth £2. 11s. 2d.; and at Rodlow, in the same manor, from the rent of assize, with the return of 1 pair of gilt spurs, 10 hens, 7 capons, and 1 pound of cumin seed, an income of £2. 8s. 9½d. was received. Also at Callingwood, an annual rent of £1. 6s. 8d., from Robert de Knyghtley, the lord thereof: the amount of these items was, £11. 8s. 3d. The town of Barton, with its members, gave from ancient date a sum of 20s. 4d. at the two great feasts: the pleas and perquisites of the court at Barton, with the toll of ale and beer, amount to £2 10s., making together the sum of £3. 10s. 4d.; and the rental of the whole manor was £72. 3s. 4d.

The whole manor of Agardsley produced a rental of £39. 0s. 9d. There was at that place a capital messuage, substantially built, and surrounded with a moat and water, the profit arising from which was 6s. 8d. Eight score acres of arable land, including the Eyes, were in demesne; each acre of which was worth 8d., and the amount of the whole was £5. 6s. 8d. There were also 80 acres of arable land, which were left in the hands of the lord, on account of the inability of the tenants to cultivate them, of which each acre was worth 8d., amounting to £3. 4s. 8d.; and 25 acres of meadow, each of which was worth, upon an average of

years, 1s. 6d., and the sum total of these was £1. 2s. 6d. The rent of assize, from 101 burgages, with 2 forges, in the said manor, were valued at £7 12s. 1d. The rent of assize of the free tenants, and the rent of some small plots of land there, with the farm of Nicholas Cockel, were worth £3. 15s. per annum. There were 28 acres of old assarted land, worth 8d. an acre, which produced 18s. 8d.; and 105 acres, 1½ rood, of newly-assarted land, and lands lately ploughed up, which were held at will, worth 8d. each acre, and 2 plots of land worth 7d.; all which amounted in the whole to £3. 10s. 9½d. The sum total of the new borough in Agardsley being £25. 17s. 0½d.

At Hoarcross, within the same manor, the rent of assize of the free tenants, was worth 10s. 8d. a year. There were 280 acres and 3 roods of land, which were held at will, each acre worth 8d., and the total value, £9. 7s. 2d.; and 16 feet of land, which was worth 6s. 10½d. The water-mill there, was valued, upon an average of years, at 15s., the toll of ale and beer at 1s., and the poll-tax for the young men produced 2s., the pleas and perquisites of the court £2.; making in the whole £13. 3s. 8d.

The manor of Yoxhall was in the hands of Adam de Curzon, for the term of life, under the gift of Edmund, son of the King of England, upon a rent of £33. 6s. 8d. although it was estimated by a more ancient value at £66 13s. 4d.

At Uttoxhather (now Uttoxeter) were 140 burgages, which made a rental of £7. 2s. There were also two forges and a plot of land, rented at 2s. 6d. a year. The

rent of assize of free tenants, with 1 bow and 1 sparrowhawk, were valued at £15. 8s. 11d. A meadow, called Wolricheshey, was let at 6s. 8d. The rent of assize of free tenants, amounted to £24. 6s. 8d. annually. The free fishery in the Dove, with another fishery in the Pool of Uttoxhather, was estimated at £1. 5s. a year. There was a payment of 12s., by ancient custom, at the two great courts; and, at the Feast of St. Martin, another payment of 5s. as a poll-tax of young men. 21 acres and 1 rood of meadow there, were valued at £1. 4s. annual rent. The pleas and perquisites of the court produced £1.; and a water-mill there was rented at £5. 6s. 8d. The sum total being £61. 5s. 5d.

In Marchington there was a capital messuage, lately built, with a garden and 2 acres of land, by the side of a new chamber, which was worth £1. There were 186 acres and 1 rood of land in demesne, which, at 9d. an acre, were worth £6. 19s. 8d.; and 24 acres of meadow, at 2s. an acre, worth £2. 8s. a year. The free fishery in the river Dove there, was valued at 8s., and 2 water-mills at £10. The rent of assize from the free tenants, was £23. 17s. 1½d.; that from the bond tenants and cottagers, £10. 17s. 6½d.; and that from the tenants at will, £34. 11s. 1d. The works of the cottagers there, were valued at £1. 0s. 1d. The customary tenants gave for tallage £4. a year, and as a rent at Christmas, 17 hens and 170 eggs, which were worth 1s. 9d.; they also gave, as a poll-tax for young men, 5s. a year, and at the two great courts £1. 16s. 8d. The pleas and perquisites of the court amounted to £3. 10s., and the sum total of the manor was £100. 6s. 11d.

The Forest of Needwood was then divided into five wards, viz.: Yoxhall Ward, Barton Ward, Tutbury Ward, Marchington Ward, and Uttoxeter Ward. The agistment of horned cattle in the defence month, within the ward of Yoxhall, was valued at £1. 10s.; and the customary tenants, gave by custom annually 88 hens, valued at 7s. 7d.; the sale of the bark of the lime trees produced 14s. 3d. annually upon an average; the pannage of hogs in the same ward was valued at £1. 10s.; and the perquisites, together with the escapes of the wodemote, at 6s. 8d. a year. In the same ward there was a park called Rowley, the profits of which, in herbage and acorns, were worth £8. annually; and the sale of old wood, blown down by the wind in the ward and park, averaged £1. 6s. 8d. a year. The whole profits from this ward were valued at £13. 15s.

In Barton Ward the agistment of cattle in the defence month was worth 10s.; the customary tenants gave by custom 85 hens a year, which were worth 7s. 1d.; the sale of lime-tree bark usually amounted to 13s. 4d. a year; the pannage of hogs to £1. 10s.; the perquisites of the wodemote with escapes, were valued at 13s. 4d.; Barton Park, with the herbage and acorns, and the fishery in the pool there, amounts to 13s. 4d. per annum. There is a hay in this ward, which is called the High Lindes, the profit of which in herbage, acorns, and the sale of underwood, was worth 8s.; the sale of the lime-tree bark in this hay, was valued at 6s. 8d. yearly. There is also a small close, called the Hoppings, which usually produced 5s. a year. The total amount of this ward was reckoned at £5. 6s. 9d.

In the Ward of Tutbury the agistment of cattle in the defence month was worth £1. 4s. a year; the customary tenants gave by custom 40 hens a year, which are worth 3s. 4d.; the sale of the lime-tree bark was valued at 10s. a year; the pannage of hogs £1.; and the perquisites of the wodemote with escapes, 13s. 4d. annually. In the same ward the Park of Rolleston was worth, in herbage and acorns, £2.; the Park of Hanbury £1. 10s.; the hay called Castle Hay, £3., and within this hay was a pool, the fishery of which was worth 10s. a year. There was also another park, called Stockley, the profits of which, in herbage, &c. amounted to £2. The total amount in value of this ward, was £12. 10s. 8d.

In Marchington Ward the agistment of cattle produced annually 13s. 4d.; the customary tenants gave 40 hens, valued at 5s. a year; the sale of lime-tree bark averaged 10s.; the pannage of hogs £1. 10s.; the perquisites of the wodemote with the escapes, 13s. 4d. In the same ward was the Park of Agardsley, valued at 10s. a year. The total amount of this ward in value, was £6. 1s. 8d.

In Uttoxeter Ward the sale of lime-tree bark was valued at 6s. 8d. a year; the pannage of hogs at 6s. 8d.; the perquisites of the wodemote at 5s. There was in this ward a hay, called the More of Uttoxeter, which was worth, in herbage and acorns, £2. a year; and the amount of this ward was £3. 18s. 4d.

The annual value of the whole Forest, was estimated at £41. 11s. 5d., and the total amount of all the totals of the extent of the lands mentioned in this docu-

ment, besides the manor of Yoxhall, collectively, was £450. 3s. The advowsons of the churches held of the honor of Tutbury, within the county of Stafford, were valued as follows :

	£.	s.	d.
The church of Hanbury,	100	0	0
The church of Uttoxeter,	66	13	4
The church of Tatenhill,	60	0	0
The church of Yoxhall,	33	6	8
The church of Rolleston,	26	13	4
<hr/>			
Annual value of the 5 churches,	£286	13	4
<hr/>			

John of Gaunt, although possessed of many eminent virtues, cannot be eulogized for his moral conduct. He married his first wife at the early age of twenty,¹²⁹ and it was a match rather of emolument than affection. Blanch of Lancaster was neither remarkable for personal attractions, nor mental acquirements; her health was indifferent, and her retiring disposition ill accorded with the aspiring views of her ambitious partner; she lived with him ten years, but the latter part of her life was embittered by the knowledge of an illicit connexion, which existed between her husband and one of her attendants named Catharine de Roet. This young lady was a native of Hainault, and daughter of Payne Roet, otherwise Guien, Heraldic King at Arms: she and her sister had been introduced at an early period into the family of their patroness, and

¹²⁹ Mills' Catalogue of Honour.

so great was the regard she entertained for them, that the latter was, by her influence, married to Chaucer, the poet, and the former betrothed to Sir Otes Swynford.¹³⁰ The duke was attended by this fair but frail companion in his foreign campaigns for three successive years, during which she became the mother of several children, whom he denominated Beaufort, from the place of their birth.¹³¹ Upon his return from Calais to England, on the 19th of November, 1369, he found that his wife had died during a great pestilence in the preceding September, and had been buried in the cathedral of St. Paul, in the city of London, where he soon afterwards caused a splendid monument to be erected to her memory, the chief material of which was alabaster sent from Tutbury,¹³² and the cost of building which, including the carriage, amounted to £486. This dutchess was the mother of one son, afterwards King of England, under the title of Henry the Fourth, and of two daughters, Philippa and Elizabeth, whom the duke, upon her death, had the indecency to place under the care of Catharine Swynford.¹³³ His fond attachment for this favourite concubine did not, however, prevent him from forming a matrimonial alliance with the Royal House of Castile and Leon. The circumstances which led to this second marriage, are thus detailed by the most authentic historians of this reign:¹³⁴ In 1372, whilst John of

¹³⁰ Holinshed, An. 1396, and Brook's Catalogue.

¹³¹ Mills' Catalogue of Honour.

¹³² See Register of John of Gaunt in the Duchy Off.

¹³³ Ibid.

¹³⁴ Sandford; also Barnes' History of Edward III.

Gaunt, Duke of Lancaster, was in the city of Bourdeaux, where he kept a court little inferior to that of his elder brother, he heard that Don Pedro, King of Castile and Leon, had died, leaving two daughters, who were then at Aire, a city of Gascony, about sixty-five miles from Bourdeaux; and that Henry, Count of Trastamere, had usurped the kingdom, which belonged to the eldest of these daughters. By the persuasion of Sir Guischard D'Angle, and other barons of Gascony, who represented in glowing colours the advantageous connexion which he might form, by espousing the eldest of them, and thus securing to himself and his heirs the throne of her ancestors, the duke resolved to send for them. Four lords, with a competent retinue, were dispatched as an escort, and the young princesses soon consented to return under their care; of which circumstance the duke having been previously advised, set out on horseback, together with his brother, the Earl of Cambridge, to meet them on their journey. The meeting took place at Rochefort, or Roquehort, a small town in Gascony; and such was the delight it inspired on both sides, that the duke married Constance the elder, and the earl, his brother, Isabella the younger of these sisters, without further delay. These marriages were succeeded by a series of feasts and entertainments, and were re-solemnized in the most splendid manner upon their arrival at Bourdeaux. The barons and knights of Gascony presented the royal brides with many rich jewels, to show their respect for the Duke of Lancaster, and medals were struck off in honour of the occa-

sion.¹³⁵ One of these very curious medals is now in the possession of Godfrey Meynell, Esq., of Meynell Langley, whose ancestors have had it for two centuries; and the traditionary account of it in the family is, that it was found at Tutbury Castle. Mr. Francis Meynell, a younger brother of Godfrey Meynell, Esq., of Wilington, in the county of Derby, purchased an estate at Anslow, in the parish of Rolleston, about 1630, upon which he and his posterity resided for three generations; he was the first *modern* possessor of this medal, and as he died in 1683,¹³⁶ it must have been discovered by him previous to that period. In the annexed plate there is a good engraving of it: on the front side it exhibits a representation of the Duke of Lancaster, with a wreath of roses upon his head, his left hand resting on the bible, whilst his right hand clasps that of his royal bride; she wears a crown upon her head, which, as Queen of Castile and Leon, she was justly entitled to; above them may be seen a radiated sun, and round the margin the following legend: "*Jungimus optatas sub amico fœdere dextras.*"¹³⁷ On the reverse, within a circle of roses, "*Uxor Casta est Rosa suavis;*"¹³⁸ and round the margin, "*Sicut Sol oriens Dei, sic Mulier bona Domus ejus Ornamentum.*"¹³⁹ It is formed of a mixed metal, and is cer-

¹³⁵ Ducarel on Anglo-Gallic Coins.

¹³⁶ Parish Register of Rolleston church.

¹³⁷ In English, "We join our right hands with mutual desire under a friendly compact."

¹³⁸ "A chaste wife is a sweet rose." The word "Casta" appears to allude indirectly to the kingdom of Castile; and "rosa," to the emblem of John of Gaunt, i. e. a red rose.

¹³⁹ As the sun of God when it arises, so is a good woman the ornament of his house." See Ecclesiasticus, c. xxvi. v. 16.

Edward 2nd of England.



Alexander of Scotland.



John of Gaunt's Medal



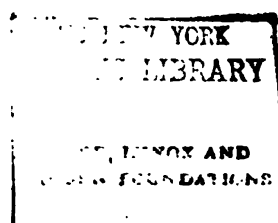
Spencer Ing. Derby



John Baliol of Scotland.



Robt Hadley the Coiner.



tainly one of the earliest modern medals extant. Mr. Meynell's grandfather lent it to Gustavus Brander, Esq., who showed it to Ducarel.

Upon his return to England, John of Gaunt took upon himself the title of King of Castile and Leon, in right of his wife, and soon after supported his claim to that kingdom by force of arms, but without success.¹⁴⁰ He gave his queen the option out of his various castles, to select one for her future abode, and without any hesitation she gave the preference to Tutbury. Accordingly, on the 23rd of April, in the forty-seventh year of Edward the Third, Sir Robert Attemore, the Receiver of Tutbury, had orders to repair the castle there, and to make the building fit for the residence of the queen, and the children of John of Gaunt by his former wife, before the following Whitsuntide, as well as to lay in two tons of good wine, sixty quarters of wheat, and a sufficient quantity of wood and coal for the use of the household. Additional repairs were also made to the castle in the autumn of the following year, a garden and vineyard planted for the queen's use, and a new park formed under the castle walls, called Tutbury Park, which was stocked with ten bucks and twenty does from the park of Castle Hay.¹⁴¹

This was by far the most prosperous period in the annals of Tutbury: the splendour of the queen's court, the number of strangers who daily resorted there, and, above all, the magnificent liberality of John of Gaunt, rendered this place somewhat similar to a modern

¹⁴⁰ Holinshed and Froissart's Chronicles.

¹⁴¹ John of Gaunt's Register in the Duchy Off.

Windsor. The town of Tutbury was enlarged far beyond its ancient dimensions; the agriculturalist found here a ready market for his produce, and the merchant for his goods: every thing contributed to enrich the inhabitants, and to increase the value of property in the vicinity.

Even at this remote period of our history, vocal and instrumental music occupied an important station amongst attractive amusements; and although it probably was not of so refined a cast as our modern taste approves, it appears to have afforded equal, if not greater delight to less fastidious ears. If the reward assigned to the minstrel was more circumscribed, the attention and respect he met with, could not be surpassed in our own days. A separate chair was placed for him at the upper end of the hall, which he never failed to occupy upon all public occasions; from hence he excited the feelings of his guests by the rehearsal of some mysterious legend, the warlike exploits of their ancestors, or some pathetic ballad of general interest. Many such bards had from time to time found a welcome asylum under the hospitable roof of the earls and dukes of Lancaster; but now that a royal court had been established at Tutbury, under the directions of the queen, who was passionately fond of the science, and had improved the prevailing taste by the introduction of singers from her own nation,¹⁴⁸ their number became so great, as to render necessary some regulations for the purpose of

¹⁴⁸ The Register of John of Gaunt directs, that five marks per annum should be paid to Johanna Martynes, a damsel of Spain, for her singing.

preserving order amongst them. With this intent John of Gaunt appointed a governor over them, whom he designated by the title of "The King of the Minstrels." His duties are set forth in the following charter, which is here literally translated from the original French.¹⁴³

"John, by the Grace of God, King of Castile and Leon, Duke of Lancaster, to all them who shall see or hear these our letters, greeting: ——— Know ye, that we have ordained, constituted, and assigned to our well-beloved the King of the Minstrels, in our Honor of Tutbury, who is, or for the time shall be, to apprehend and arrest all the minstrels in our said Honor and Franchises, that refuse to do the service and attendance which appertains to them to do from ancient times at Tutbury aforesaid, yearly on the days of the Assumption of our Lady, giving and granting to the said King of the Minstrels, for the time being, full power and commandment to make them reasonably to justify, and to constrain them to perform, their services and attendance, in manner as belongeth to them, and has been here used, and of ancient times accustomed. In witness whereof, &c.

"Given under our privy seal, at our castle of Tutbury, the twenty-second day of August, in the fourth year of King Richard (the Second)."

Some time after this appointment was made, a court was also established to hear complaints, and determine controversies between the minstrels, entitled, "The Minstrels' Court." It was held before the steward of the honor, on the morrow after the Assumption; and the jury, who consisted of musicians, elected four stewards, one of whom was to be king for

¹⁴³ Register of John of Gaunt in the Duchy Off.

the ensuing year. These officers when elected had full power and authority, to levy and distrain for all such fines and amerciaments as were inflicted by the jury of the said court upon any minstrels, for the infraction of such orders as were there made for the government of that society; and the amount of such fines was returned at every audit by the stewards, one moiety of which went to the Duke of Lancaster, and the other to the stewards for their trouble.¹⁴⁴ The following is a specimen of some of the latest orders, which were made for the regulation of the minstrels' court.¹⁴⁵

"Orders made and set forth by the Honourable Edward Lord Newburgh, Chancellor of the Duchy of Lancaster, and the Counsel of His Majesty's Court of the Duchy Chamber, in the fifth year of the reign of King Charles the First, for the better ordering and governing His Majesty's court, called The Minstrels' Court, yearly holden at Tutbury, on the morrow after the Feast of the Assumption of our Lady, and of the musicians and minstrels within the counties of Stafford and Derby, who owe suit to the same court." Amongst other things it is ordered, *"That no person shall use or exercise the art and science of music, within the said counties, as a common musician or minstrel, for benefit and gains, except he have served and been brought up in the same art and science by the space of seven years, and be allowed and admitted so to do at the said court by the jury thereof, and by the consent of the steward of the said court for the time being, on pain of forfeiting for every month that he shall so offend, three shillings and fourpence. And that no such musician or minstrel, shall take into his service, to teach and instruct any one in the said art and science, for any shorter time than for the space of seven years, under the*

¹⁴⁴ From MSS. in the Duchy Off.

¹⁴⁵ Extracted from the original MS. in the Duchy Off.

*"pain of forfeiting for every such offence forty shillings.
"And that all the musicians and minstrels above mentioned,
"shall appear yearly at the court called The Minstrels' Court,
"on pain of forfeiting for every default, according to old
"custom, three shillings and fourpence.*

"Signed,

"E. NEWBURGH,

"EDW. MOSLEY."

It was probably for the purpose of reconciling his queen to a residence so remote from the court, that John of Gaunt instituted at this period several whimsical customs and tenures within the honor. Sir Philip de Somerville, whose vivacity and good-humour had long rendered him a welcome guest at the castle, inherited the manors of Whichnor and Sirescote from his ancestors, who had a grant of the same soon after the Conquest, by the tenure of one knight's fee, and three parts of another: like other lands held by military service, these were subject to reliefs and aids paid to the superior lord of the fee upon stated occasions; but the Duke of Lancaster was now pleased to remit, to his favourite and his heirs, one moiety of these claims for ever, upon the following singular condition: namely, That he, Sir Philip de Somerville, should "find, maintain, and sustain one bacon flyke¹⁴⁶ hanging in his hall at Whichnor, ready arrayed all times of the year but in Lent, to be given to every man or woman married, after the day and year of their marriage be passed; and to be given to every man of religion, archbishop, bishop, prior, or other religious, and to every priest, after the year and day of their profession finished, or of their dignity received, in form follow-

¹⁴⁶ Flitch.

ing: Whensoever that any such before named will come for to inquire for the bacon, in their own person, or by any other for them, they shall come to the bailiff or to the porter of the lordship of Whichnor, and shall say to them in the manner as ensueth; "Bailiff, or Porter, I do you to know, that I come for myself (or if he be come for any other, showing for whom he demands) to demand one bacon flyke, hanging in the hall of the Lord of Whichnor, after the form thereunto belonging." After which relation, the bailiff or porter shall assign a day to him, upon promise by his faith to return, and with him to bring twain of his neighbours. And in the meantime, the said bailiff shall take with him twain of the freeholders of the lordship of Whichnor, and they three shall go to the manor of Rudlow belonging to Robert Knyghtley, and there shall summon the aforesaid Knyghtley or his bailiff, commanding him to be ready at Whichnor the day appointed, at prime of day, with his carriage, that is to say, a horse and a saddle, a sack and a pryke,¹⁴⁷ for to convey and carry the said bacon and corn a journey out of the county of Stafford at his cost. And then the said bailiff shall, with the said freeholders, summon all the tenants of the said manor, to be ready at the day appointed at Whichnor, for to do and perform the services which they owe to the bacon. And at the day assigned, all such as owe services to the bacon, shall be ready at the gate of the manor of Whichnor, from the rising of the sun to noon, attending and awaiting for the coming of him that fetcheth the bacon. And when he is come, there shall be de-

¹⁴⁷ A pryke is a sort of wicker basket.

livered to him and his fellows, chaplets, and to all those who shall be there to do their services due to the bacon. And they shall lead the said demandant, with trumpets and tabours and other manner of minstrelsy, to the hall door, where he shall find the Lord of Whichnor, or his steward, ready to deliver the bacon in this manner :

He shall inquire of him who demandeth the bacon, if he has brought twain of his neighbours with him ; and he must answer, "They be here ready." And then the steward shall cause these two neighbours to swear, if the said demandant be a wedded man, or hath been a wedded man ; and if since his marriage one year and a day be passed ; and if he be a freeman or a villain.¹⁴⁸ And if his neighbours make oath, that he hath for him all these three points rehearsed, then shall the bacon be taken down, and brought to the hall door, and shall there be laid upon half a quarter of wheat, and upon one other of rye. And he that demandeth the bacon, shall kneel upon his knee, and shall hold his right hand upon a book, which book shall be laid above the bacon and the corn, and shall make oath in this manner : "Hear ye, Sir Philip de Somerville, Lord of Whichnor, maintainer and giver of this bacon, that I (A) since I wedded (B) my wife, and since I had her in my keeping and at my will, by a year and a day after our marriage, I would not have changed for any other, fairer or fouler, richer or poorer, nor for any other descended of greater lineage, sleeping or waking, at any time. And if the said (B) were sole, and I sole, I would take her to be my wife

¹⁴⁸ A man of servile condition.

before all the women in the world, of what condition soever they be, good or evil, as help me God and his saints, and this flesh and all fleshes."

And his neighbours shall make oath, that they trust verily he hath said truly. And if it be found by his neighbours before named, that he be a freeman, there shall be delivered to him half a quarter of wheat, and a cheese; and if he be a villain, he shall have half a quarter of rye without cheese. And then shall Knyghtley, the Lord of Rudlow, be called, for to carry all these things afore rehearsed: and the said corn shall be laid upon horse, and the bacon above it; and he to whom the bacon appertaineth, shall ascend upon his horse, and shall take the cheese before him, if he have a horse, and if he have none, the Lord of Whichnor shall cause him to have one and a saddle, until such time as he has passed his lordship; and so shall they depart the manor of Whichnor, with the corn and the bacon, before him that hath won it, with trumpets, tabrets, and other manner of minstrelsy; and all the free tenants of Whichnor, shall conduct him past the lordship of Whichnor; and then all shall return, except him to whom appertaineth to make the carriage and journey out of the county of Stafford, at the costs of his Lord of Whichnor. And if the said Robert Knyghtley do not cause the bacon and corn to be conveyed as is rehearsed, the Lord of Whichnor shall cause it to be carried, and shall distrain the said Robert Knyghtley for his default, for one hundred shillings, in his manor of Rudlow, and shall keep the distress so taken irrepleviable."

Whether any claimants ever appeared for the

Whichnor bacon, neither the annals of that place, nor those of Tutbury inform us; but the reader, who wishes to derive further amusement from this singular custom, will find a witty account of supposed claimants in the 608th Paper of the Spectator.

The merry Sir Philip, however, continued to treat his bacon with due respect; for we find him granting to Hugh, son of Walter de Newbold, and Agnes his wife, by deed in 16th of Edward the First, several small pieces of land in Dunstall, upon condition that they should render him and his heirs annually eight hens at Christmas, and one chaplet, or nosegay of white and red roses, to decorate the bacon at Whichnor, every year, on the feast of St. John the Baptist: they were also under an obligation to dress the said bacon with flowers prepared for them, ten times a-year, viz. to begin on Easter Eve, and continue the same monthly, until the feast of St. Michael, and, upon the vigil of All Saints and Christmas Eve, they were to decorate the same with ivy.

John of Gaunt appears to have borrowed the tenure of the flitch of bacon from Dunmow in Essex, where Robert Fitzwalter, in the reign of Henry the Third, instituted a similar custom. He made a further grant also, to his favourite Sir Philip de Somerville, of the manor of Bredeshall, or Birdshall, near Tatenhill, upon condition, that when his lord kept his Christmas at the castle of Tutbury, he, Sir Philip, or some other knight, his deputy, should come to Tutbury the eve before Christmas Day, and be lodged in the town by the marshall of the household; and on Christmas Day should go to the dresser, and carry his lord's mess to

his table, and should carve the meat for his lord both at supper and dinner; and that when his lord had eaten, the said Sir Philip should sit down in the same place, and should be served at his table by the steward of the household; and upon St. Stephen's Day, when he had dined, he should take leave of his lord, and kiss him. These services Sir Philip continued to perform for forty-eight years.

Another remarkable custom, which appears to have originated about this period, and was in all probability instituted by John of Gaunt, to remind his queen, of the bull feasts of her native country, was the Tutbury bull-running. The unfortunate victim which was doomed to afford this savage sport, was given, it is true, by the prior; but, as there was no such condition in any of the ancient tenures of the priory, it was no doubt given in lieu of some more substantial service which he owed to the lords of the castle, and was attached by John Duke of Lancaster to the minstrels' court which he had erected.¹⁴⁹

This custom of the bull-running was celebrated on the feast of the Assumption of the Virgin, according to Dr. Plott, in the following manner:—All the minstrels within the honor, came early on that day to the house of the bailiff of the manor of Tutbury, and from thence to the parish church in procession; the king of

¹⁴⁹ The Rev. Mr. Pegge of Whittington, in Derbyshire, read a paper before the Society of Antiquaries, on the 14th of February, 1765, in which he endeavoured to prove, that Dr. Plott was wrong in attributing the institution of this custom to John of Gaunt, and that it had no allusion to the bull feasts in Spain. Had he been better acquainted with the antiquities of Tutbury, he would perhaps have been a convert to the doctor's opinion.

the minstrels for the year past, walking between the steward and bailiff of the manor, attended by the four stewards of the king of the minstrels, each with a white wand in their hands, and the rest of the company following in ranks of two and two together, with the music playing before them. After service was ended, they proceeded in the same order from the church to the castle hall, where the said steward and bailiff took their seats, placing the king of the minstrels between them, whose duty it is to cause every minstrel dwelling within the honor, who makes default, to be presented and amerced. The court of the minstrels is then opened in the usual way, and proclamation made, that every minstrel dwelling within the honor of Tutbury, in any of the counties of Stafford, Derby, Nottingham, Leicester, or Warwick, should draw near, and give his attendance; and that if any man would be assigned of suit or plea, he should come in and be heard. Then all the musicians being called over by a court roll, two juries are impanelled, one for Staffordshire, and one for the other counties, whose names being delivered in to the steward, and called over, and appearing to be full juries, the foremen of each is sworn, and then the rest of them in the manner usual in other courts. The steward then proceeds to charge them, first commending to their consideration the antiquity and excellence of all music, both on wind and stringed instruments; and the effect it has upon the passions, proving the same by various examples; how the use of it has always been allowed in praising and glorifying God; and skill in it esteemed so highly, that it has always been ranked amongst the liberal arts, and admi-

red in all civilized states ; exhorting them, upon this account, to be very careful to make choice of such men to be officers amongst them as fear God, are of good life and conversation, and have knowledge and skill in the practice of their art. When the charge is ended, the jurors proceed to the election of the officers for the next year, the king being chosen out of the four stewards, two of them out of Staffordshire, and two out of Derbyshire, three being chosen by the jurors, and the fourth by him who keeps the court, and the deputy steward, or clerk. The jurors then depart out of the court; and the steward with his assistants, and the king of the minstrels, in the meantime partake of a banquet, during which the other musicians play upon their several instruments; but as soon as the jurors return, they present, in the first place, the new king whom they have chosen, upon which the old king, rising from his seat, delivers to him his wand of office, and then drinks a cup of wine to his health and prosperity; in like manner the old stewards salute the new, and resign their offices to their successors. The election being thus concluded, the court rises, and all repair to another large room within the castle, where a plentiful dinner is prepared for them; after which the minstrels went anciently to the priory gate, but after the dissolution, to a barn near the town, in expectation of the bull being turned loose for them. This bull was formerly found by the Prior of Tutbury, but afterwards by the Duke of Devonshire, who enjoyed the priory lands: his horns were sawed off, his ears cropped, his tail cut off to the stump, all his body smeared over with soap, and his nostrils blown full of pounded pepper: whilst

this inhuman preparation is in progress, the steward makes proclamation, that all manner of persons should give way to the bull, no person coming nearer unto him than forty feet, except the minstrels; but that all should attend to their own safety, every one at his peril: thus, enraged to the utmost, the poor animal is then turned out, to be taken by the minstrels, and none else within the county of Stafford, between the the time of his being turned out, and the setting of the sun on the same day. If the bull escapes, he remains the property of the person who gave it; but if any of the minstrels can take and lay hold of him, so as to cut off a small portion of hair, and bring the same to the market-cross, in proof of their having taken him, the bull is then brought to the bailiff's house, where a collar and rope are fastened to him, by which he is brought to the bull ring in the high street, and there baited with dogs; after which the minstrels had him for their own, and might sell, kill, and divide him amongst themselves, as they thought fit.¹⁵⁰

We may take it as a specimen of the slow progress of civilization in our own country, that this barbarous sport should have been tolerated for upwards of four centuries. Upon such occasions this town was the resort of the idle and gay for many miles around; even Robin Hood, the freebooter of Shirewood, is said to have indulged himself in an excursive ramble to the Tutbury feast, and, if we may rely on the authenticity of a ballad, he returned home with a bride from one of these visits.¹⁵¹

¹⁵⁰ See Plotts' Staffordshire. There is a similar custom at Stamford, in Lincolnshire.

¹⁵¹ In Robin Hood's Garland, there is a ballad describing the mar-

After the suppression of the priory, a fair was annually held on the 15th of August, and the bull-running took place on the next day. The bull was turned out at the bailiff's barn, about quarter of a mile from the borders of the county, between four and five o'clock in the afternoon; and he was to be marked, that is, a piece of hair was to be cut off from him as above mentioned, between that time and sunset, or the bull-runners could not claim him. Formerly he could only be claimed if caught in Staffordshire; but latterly the Derbyshire men claimed him if marked in that county, and the Staffordshire, if marked in theirs. Sometimes the infuriated beast escaped as far as Sudbury or Hoon before he could be taken; limbs were broken, and occasionally lives lost, in the sanguinary contests, not only with the poor bull, but with each other.

In the year 1636, a royal proclamation was issued, for deferring Tutbury fair and the minstrels' court, from the 15th and 16th of August, to the 22d and 23d of that month, in consequence of the king's coming to Tutbury castle for five nights; but the reason assigned for this postponement, was the danger that might arise to his majesty or his attendants of taking the plague, amidst so great a concourse of people.¹⁵⁹ The fear of infection is an epidemic, which prevailed as much in the days of our forefathers as it does in our own, and, perhaps, with greater cause; for the lower orders appear to have been neither so cleanly nor so well fed as they are at present: famine was then the

riage of Robin Hood with Clorinda, queen of Tutbury feast, supposed to be related by the fiddler who played at their wedding.

¹⁵⁹ Rymer's *Fœdera*, tom. 20, page 46.

usual concomitant of a bad harvest ; and that excellent root which affords us such nutritious and wholesome food, was at that period scarcely known. In the instance just mentioned, King Charles appears to have consulted the safety of himself and his attendants much more than that of his other liege subjects, or he would have put off the fair until another year ; but in our days a patriotic king and his government, endeavour with laudable promptitude to avert the danger, by minute attention to the health and comforts of the people, however remote or indigent they may be.¹⁵³

As the minstrels' court fell into disuse, a mixed multitude of the inhabitants of each county joined in this dangerous amusement : all authority was set at defiance ; this feast of harmony was disgraced by the discordant brawlings of drunken revellers ; the peace of the place was perpetually broken ; and every friend to humanity and good order, anxiously desired the abolition of a custom, equally productive of cruelty and outrage. At length a circumstance occurred, which, although of a tragical nature, presented a fit opportunity to interfere in the suppression of it. In the year 1778, the usual day of running the bull happened on the Sunday, and of course the ceremony was deferred until the morrow ; but the ill-fated victim was paraded round the town, and the sacred day was polluted by the drunkenness of the assembled crowds : towards the evening a violent quarrel took place, between some Burton men, headed by one John Lud-

¹⁵³ A physician of eminence, and well acquainted with the Indian cholera, was sent by government to Sunderland as soon as the disease appeared there ; and medical boards have been established to superintend the health of the people in other parts of the kingdom.

low, and several of the inhabitants of Tutbury, in which William Bennett of the latter place had his scull fractured, and died within two days. The Rev. Mr. Dixon, who was at that time the vicar of Tutbury, immediately drew up a petition to the Duke of Devonshire, requesting him to abolish the bull-running, and Lord Vernon undertook to support the prayer of it: the duke consulted the king upon the subject; and by the recommendation of government a meeting was called at Ashbourn, where fifteen deputies from each county attended, who all signed another petition to the same effect; and thus this infamous practice was finally discontinued. A bull was baited, however, upon the same day for many years after; but that cruel sport was also at length suppressed by the humane interference of the surrounding gentry, and a custom so destructive of every moral feeling eradicated from the neighbourhood.

Edward the Third, towards the end of his reign, confided the affairs of state to his favourite son, the Duke of Lancaster: his eldest son, commonly known by the name of the Black Prince, was lingering under the last stage of a mortal distemper; Lionel, Duke of Clarence, his second son, was already dead; and John of Gaunt, therefore, became from necessity, as well as choice, the principal adviser of his aged parent. The king, in the extreme of his dotage, conceived a violent affection for Mrs. Alice Pierce, or Perrers, one of the ladies of the late queen's bed-chamber, whose prodigality and insolent effrontery gave just offence to his

parliament, and brought unmerited discredit on the Duke of Lancaster's administration.¹⁵⁴ A temporary removal appeared inevitable; and the duke had too good sense to resist the opinion of the people, unequivocally expressed as it was through their representatives. The succeeding year, however, he was recalled to the court, and reinstated in his former situation; but to prevent any expectation on his part, or any suspicion on the part of the people, that he designed him for his successor, the king conferred upon his grandson Richard the title of Prince of Wales, and caused all the nobility of the realm to take an oath of fidelity to him as heir apparent of the crown. The Duke of Lancaster was not more popular in this second administration, than he had been in the first: he incurred the displeasure of the bishops and clergy, by the disinterested protection he afforded to John Wickliff and his followers, whose heresy, as they termed it, these ecclesiastics had determined to crush. Wickliff was cited to appear before a synod held at St. Paul's Cathedral in London, on Thursday the 19th of February, 1377; and he went there accompanied by the Duke of Lancaster, and Lord Henry Percy, the Earl-marshal of England, who were not without apprehensions lest his personal safety would be endangered. So great a concourse of people were assembled upon this occasion, that it was with difficulty they could pass into the church; and the noise occasioned by their approach, having attracted the attention of the Bishop of London, he peevishly addressed the Lord Percy, who returned him an answer in no

¹⁵⁴ Rapin's History of England.

very courteous language ; neither did their ill-humour end there, for the lord-marshal having soon after requested Wickliff to sit down whilst he heard the charges that were to be preferred against him, the bishop with considerable warmth replied, that he should not sit in that place, but that having been cited to appear to answer before his ordinary, it was his duty to stand. A furious dispute then arose between them, and the duke having taken part with the Lord Percy, was so severely reproached by the bishop, that he threatened to bring down his pride and that of all the prelacy of England. Many other reproachful speeches passed between them, little becoming the sanctity of the place where they had met. The citizens at length began to fear, that the duke's threats might be carried into execution ; and, being instigated by the bishop's attendants, became so tumultuous, that the duke and earl-marshal thought it safer to withdraw, together with Wickliff, whom they had taken under their protection.¹⁵⁵ Their retreat, however, did not allay the tumult ; the bishop felt too keenly the remarks of the duke to let them pass with impunity ; and reports were industriously spread amongst the Londoners, that the Duke of Lancaster was about to persuade the king to suppress the office of Lord Mayor, to take away the privileges of the citizens, and to place them under the jurisdiction of the earl-marshal. Enraged by these rumours, the people rushed in crowds to the marshalsea, and liberated all the prisoners ; from thence they went to the Duke of Lancaster's palace,

¹⁵⁵ Rapin's History of England.

Life of Wickliff, in the Select Works of the Reformers, lately published by the Religious Tract Society.

in the Savoy, which they plundered, and having dragged his arms into the street, they caused them to be reversed, as if he had been a traitor. The duke himself narrowly escaped assassination; he was taking a repast of oysters, when information was brought him of the approach of this armed mob, and his flight was so precipitate, that his leg was bruised by falling over a bench in the passage which lead from his palace to the river Thames. Here he took a boat in company with the Lord Percy, and proceeded by water to Richmond, where the Princess Regent and her son young Richard then dwelt.¹⁵⁶ By her interference the citizens of London were obliged to submit; Adam Staple, the lord mayor, was removed from his office, and Sir Nicholas Bramber elected in his stead; besides which a large taper of wax, with the duke's arms thereon, was made at the charge of the city, carried in procession to St. Paul's, and placed in the Lady Chapel there, to burn before the image of the Virgin.¹⁵⁷

Upon the death of Edward the Third, the Duke of Lancaster and the Earl of Cambridge were appointed protectors of the young king's person, and as long as he acted by their advice, Richard conducted himself with great propriety; but upon some disgust the duke soon afterwards retired from court; and in the beginning of the next year made an unsuccessful expedition with a large force against the French in Brittany. Upon his return, having had another serious misunderstanding with the bishop and

¹⁵⁶ Life of Wickliff, as above.

¹⁵⁷ Rapin's History of England.

citizens of London, he withdrew from the Savoy, for fear of a repetition of their former violence, and caused the next parliament to be held at Gloucester.

During the whole of this period, John of Gaunt passed very little of his time with Queen Constance at the castle of Tutbury; he was there from the 10th to the 21st of August, in 1374, and again from the 10th to the 23rd of the same month, in 1380;¹⁵⁸ but his illicit attachment to Catherine Swynford, alienated his affections from Constance of Castile, who was in every respect worthy of a better fate; for she is said to have been "a lady, above ladies innocent and zealous."¹⁵⁹ She bore his neglect with meekness and forbearance, although she could not but feel such conduct doubly cruel, far removed as she was from her native country. Her little court was regulated with the strictest propriety; the expense of her private chamber and wardrobe, did not exceed five hundred marks annually,¹⁶⁰ and the few friends she had around her had no greater allowances than were just sufficient to maintain the respectability of their appearance. She passed her days at Tutbury in the quiet amusements of domestic life; and although she bore the title of Queen, she was glad to be freed from the cares and burdens which are generally annexed to royalty. Upon his last-mentioned visit to Tutbury, in 1380, the duke was suddenly called away to repel an invasion of the Scots who had ravaged the counties of Westmore-

¹⁵⁸ Register of John of Gaunt.

¹⁵⁹ Mills's Catalogue of Honour.

¹⁶⁰ Register of John of Gaunt, in the Duchy of Lancaster Off.

land and Cumberland with fire and sword. He marched to the north attended by the Earls of Warwick and Stafford, and a large force under their command ; but after much time and money had been consumed there, the only good they effected, was the conclusion of a truce until the Easter following. When this truce was nearly expired, the Duke of Lancaster was sent as ambassador to the Scotch court, to obtain the continuance of it for three years longer. He undertook this office the more willingly, in consequence of a promise on the part of the king, to assist him in his claim to the crown of Castile, and to support John, King of Portugal, in the war which he was then waging against that kingdom.

The duke's ambitious views were, however, for the present disappointed by an unexpected occurrence, which filled the whole kingdom with alarm: whilst he was thus engaged at the Scotch court, he received intelligence that all the common people of Kent and Essex, with numbers out of Sussex, Hertfordshire, Cambridgeshire, Suffolk, and Norfolk, were in actual rebellion, and were assembled to the amount of one hundred thousand men at Blackheath. He prudently contrived, that this bad news should not be widely promulgated in Scotland, lest it might interrupt the treaty which was in progress; but the real extent of this rebellion was sufficiently appalling. Some idea may be formed from recent transactions at Bristol, of the horrible excesses to which a lawless and ungovernable mob may have recourse; but the loss of property and lives upon this late unfortunate

occasion, will scarcely bear a comparison with the destruction committed by the riotous followers of Wat Tyler, Jack Straw, and William Wraw. In the month of May, 1381, these rebels plundered the borough of Southwark, broke open the prisons of the Marshalsea and King's Bench, and induced the prisoners to join them ; from thence they proceeded the next day into London, the lord mayor and chief citizens being deterred from opposing them, in consequence of the support they received from the common people there. They gave the inhabitants of London to understand, that their sole object was to discover and punish such persons as they were pleased to call "traitors of the realm," and craved their assistance. This was willingly given, and the Duke of Lancaster being pointed out as one of the most obnoxious persons, on account of his quarrel with the citizens, they ran with one accord to his palace at the Savoy, which in external as well as internal elegance surpassed all others then in the kingdom, excepting the king's palaces. With a strange appearance of integrity and honesty, they would not permit a single individual to enrich himself with the jewels, plate, or other valuables there found ; but they consigned them all together with this beautiful mansion to the flames, and such things as the flames could not entirely consume they threw into the Thames. One of their party could not, however, resist the temptation offered him of securing a fine piece of silver, which he endeavoured to convey away in his bosom ; but being discovered by his companions, they cast both him and the silver into the flames, and they excused themselves by saying, that

they were zealous of truth and justice, and not thieves or robbers. The duke's cellars contained much choice wine, and thirty-two of these depredators having entered them, drank of it to such excess, that they were buried beneath the ruins of the burning house before they could extricate themselves; their voices and cries were heard during seven days afterwards, but in the confusion that ensued nobody came to their relief; so they perished. From the Savoy the mob proceeded to the Temple, which they burned with a great number of valuable law-books and records contained therein; they then set on fire the house of the Prior of St. John, near Smithfield, and the manor-house of Highbury, which at that time belonged also to him. During these troubles the king took refuge in the tower, together with the lord chancellor, and high treasurer; but by some means or other a party of the rebels penetrated even into that fortress, although garrisoned by six hundred armed men and as many archers: there they insulted the king's mother, and dragged out from thence the lord chancellor and treasurer, both of whom they uncereimoniously beheaded upon Tower-hill. They practised similar cruelties on many unoffending persons, merely to gratify their thirst for blood: the Flemings, who had introduced into England great improvements in the manufacture of cloth, met with no mercy at their hands; many of them who had fled into the church of the Augustine friars and other religious houses, were cruelly murdered. Every street, lane, and place where these strangers could be found, were ransacked for the purpose of destroying them; the prisons of New-

gate and the Counter were broken open, and the prisoners set at liberty. These savages were at length gorged with the spoliation they had committed ; having fatigued themselves with burning and defacing some of the handsomest houses in London and Westminster, they became rather more tranquil ; and this favourable moment was seized upon by the king, with the advice of his council, to offer them a free pardon, upon condition that they would depart quietly to their homes. The Essex men, who had been less tumultuous than the others, were the first to accede to this proposal : the king went to them at Mile-end, where they were quartered, and there promised them charters to make all free, and to abolish villanage, which at that time existed in the land. The Essex men, upon receiving these promises, immediately departed to their homes, leaving only a small deputation behind them, who were authorized to receive the king's charters ; but the men of Kent, under the influence of Wat Tyler, continued to commit the same excesses as before, and further threatened, that they would plunder the city and set fire to it in several places at once. In this extremity the king sent to Wat Tyler, to request a conference, in order that he might learn what terms would satisfy him and his party. The insolent captain of the Kentish rebels returned a saucy answer ; but proceeded to meet the king in Smithfield, accompanied with a multitude of his followers. The king and his council, with the lord mayor and other persons of distinction, awaited their arrival ; but becoming somewhat alarmed, lest Wat Tyler and the crowd who came with him might

have some design to seize the king's person, they sent forward a knight on horseback, to inquire his intentions : a firm refusal to receive any message, unless the knight dismounted from his horse, was all the explanation he could obtain. The knight provoked by the man's insolence said, 'It surely is not amiss, that I being on horseback should come to thee, sitting on horseback.' Upon which Wat Tyler in a rage drew his dagger, and the knight did the same. This affair now wore a serious aspect ; the rebels would soon have killed the knight, and overpowered the king and his attendants : the king endeavoured to avert their wrath, by desiring the knight to alight, and deliver his dagger to Wat Tyler, but this submission did not appease that villain's fury, to which the knight must inevitably have fallen a sacrifice, had not Sir William Walworth, the lord mayor, boldly rode up to him to arrest him in the king's name. Wat Tyler resisted, but a blow from the lord mayor's sword laid him low, and John Standish, an esquire of the king's person, together with the other attendants, dispatched him whilst he lay upon the ground. In this conjuncture the king is said to have exhibited an act of the most heroic presence of mind : whilst the infuriated rebels were vociferating threats of revenge for the loss of their champion, and preparing to carry them into execution, Richard rode forward to them alone, and thus addressed them : "What, my liege subjects, would you kill your king? Be not troubled for the loss of your leader, I myself will be your captain ; follow me into the field, and you shall have all that you desire." When he had thus spoken,

he gently turned his horse's head towards St. George's Fields, where the mob, awed by his intrepidity and pleased by this apparent confidence, followed him without a murmur.¹⁶¹ Soon after this a troop of a thousand armed citizens, under the command of Sir Robert Knolles, appeared in sight, upon which the rebels immediately threw down their arms, and were dispersed.

I have been the more particular in describing the progress of these lawless rebels, because the Duke of Lancaster was one of the chief objects of their hatred; had he fallen into their power, no doubt his life would have been sacrificed to their fury; very fortunately, however, for himself, the Scotch treaty detained him in the north when these troubles commenced, and after it had been satisfactorily arranged he came to Berwick; but the governor of that town, Sir Matthew Redman, refused to admit him, having received orders to that effect from the Earl of Northumberland, Lord Warden of the Marches; and he, therefore, returned into Scotland, where he obtained license to remain until tranquillity should be restored at home.¹⁶² When the palace of the Savoy was burnt down, the keeper of the duke's wardrobe there came to Leicester; and fearing that the disaffected populace might also make an attack upon the castle at that place, he removed all the valuable furniture which it contained to the abbey at Leicester, requesting permission from the abbot to deposit it there; but upon his refusal to accede to the request, they were at length secured in St. Mary's

¹⁶¹ Holinshed's Chronicles, Anno. 1381.

¹⁶² Ibid. 1381 and 2.

church near the castle. The alarm created by these disturbances, also extended to the more remote castle of Tutbury, from whence the gentle Queen of Castile suddenly removed to the distant castle of Pontefract, expecting there to find a security which the riots in the south rendered doubtful at her former residence. Such, however, was the cowardice or treachery of the persons who occupied that fortress, that they refused her admittance, although they were in the service of the Duke of Lancaster; and she was compelled to proceed for seven miles further, guided by torches in the middle of a dark and cheerless night, to Knaresborough castle, where she availed herself of such accommodations as she could find until the rebellion had been suppressed, after which she returned to Tutbury. The distress of mind which the duke endured whilst he was detained at Edinburgh, caused him seriously to reflect upon his past life; and amongst other things which pressed heavily upon his conscience, was the illicit intercourse he had maintained with Catharine Swynford; from henceforth, it is said, he resolved to break off that connexion, and there is every reason to believe, that he did so during the remainder of the queen's life; but, upon her decease, he returned to his former companion, made her his third wife, and caused the children he had by her to be legitimated by act of parliament. He felt some anxiety also respecting the conduct of the king, who, according to information he had received, had determined to deliver him to the enraged people, under the idea, that by so doing he should better secure his own crown and person; but the king, as soon as the rebel-

lion had ceased, relieved him from every apprehension of this sort, by a most kind and consolatory letter, in which he requested him to return to court, with as many attendants as he might think proper to bring ; and at the same time he commanded the Earl of Northumberland with all his power to protect him from danger, and to conduct him safely into Yorkshire.¹⁶³

The haughty spirit of John of Gaunt could but ill brook the indignity offered to him at Berwick-upon-Tweed, when the gates were closed against him by the orders of the Earl of Northumberland ; and upon his return to the English court, he gave ample proof of his keen remembrance of that affront : he not only made repeated complaints to the king of the treatment he had there met with, but he preferred other serious charges against the earl ; and under the pretence, that his life was in danger whenever he attended the parliament, then sitting at Westminster, he was accompanied by a numerous retinue of armed followers. The Earl of Northumberland adopted a similar practice ; and having obtained the good will of the citizens of London, whose hatred of the duke continued unabated, he procured from them good quarters for his body guards, and also promises of further assistance whenever it might be wanted. A hostile encounter between the partisans of these rival peers, became every day more probable ; and the cities of London and Westminster were upon the eve of being again involved in civil commotions, when the king, by a seasonable interference, brought these

¹⁶³ Dugdale's Baronage — Knighton and Walsingham.

nobles to some terms of accommodation, and the parliament was soon after adjourned.

Early in the spring of 1383 the Duke of Lancaster proceeded with a large army to the north, and after continuing for some time upon the borders he invaded Scotland, and took possession of the city of Edinburgh. The Scotch had in the meantime removed from thence all their goods and provisions; and the English army, after having been for some weeks exposed to the bad effects of cold and hunger, were obliged to retire homewards, with little glory either to their commander or themselves. During his absence the duke's enemies had been more than usually active, in their endeavours to prejudice the king against him: the chief instrument they made use of for this purpose, was an Irish friar of the order of Carmelites, who hesitated not to accuse him of a design to destroy the king and usurp the throne; circumstantially stating at the same time, both the period and place when this plot was to be carried into execution. So grievous a charge made considerable impression upon the young king, who took the advice of two of his domestic chaplains upon the subject, previous to his intention of submitting it to a public examination; but whilst they were thus engaged in close conference, they were suddenly interrupted by the duke's unexpected appearance, upon his return from his northern expedition. The king could not disguise his displeasure, and the duke perceiving that their conversation had been of a nature prejudicial to himself, hastily withdrew from his presence. By the advice of his chaplains, however, the duke was immediately recall-

ed, and a full explanation took place of the communications which the friar had made : the duke professed his entire innocence of the charges preferred against him, and excused himself with such graceful eloquence, that the king gave entire credit to his assertion ; but because the nature of these charges had already transpired, it was judged expedient, that the public should be assured of their falsity, and a day was accordingly appointed for an open refutation of them, whilst the friar was in the meantime ordered to be detained in the custody of Lord Holland, the king's half-brother. The day arrived, but the accuser was not forthcoming ; upon inquiry into the cause, the dead body of the unfortunate friar was found suspended by ropes from the ceiling of his chamber, under circumstances of the most disgusting barbarity. Although the Duke of Lancaster was not directly implicated in this murder, yet it tended much to increase his unpopularity, and to strengthen the suspicions which had been excited of his ambitious views respecting the crown. In the course of the next autumn the Scots got possession of Berwick-upon-Tweed, and the Duke of Lancaster took occasion to charge the Earl of Northumberland with gross neglect in the government of that town ; but shortly after this, upon receiving the sum of two thousand marks from the earl, the Scotch forces retired, and he committed the custody of that place to more vigilant persons. This disgrace having been thus expunged, the Earl of Northumberland in his turn irritated the mind of the king against the duke to such a degree, that he fully determined to have him arrested and tried upon a charge of high treason.

The duke was at that time at his castle of Tutbury, consulting with his queen upon a favourite scheme which he had long entertained, of invading Spain, for the purpose of demanding the crown of Castile, to which in her right he was entitled. It was a moonlight night in the month of May, 1385, when the centinel from the castle walls observed a messenger upon a foaming steed approach the draw-bridge opposite the great gateway; the horn was blown, the well-known watchword given, and the stranger was admitted within the castle: a despatch of the utmost importance was delivered by him to the duke, who before the morning dawned, was with a number of well-armed soldiers proceeding on his way towards the north. The despatch contained letters which informed him of the king's hostile intentions; and he thought it prudent to retire without further delay to Pontefract castle, which in case of necessity he could fortify against the king with more ease and expedition than that of Tutbury. This dreaded storm of royal anger was, however, averted by the kind interposition of the king's mother, who, after many communications with both parties, and much personal inconvenience to herself, succeeded in reconciling them; and in less than a month the duke was employed to repel an invasion of the Scotch, aided by a considerable force which had been sent to them by their French allies. This invasion was considered of such magnitude, that the king himself set out to meet the enemy, but upon his arrival at York he found that the invading army had retreated before the forces of the Duke of Lancaster; determined, however, to revenge himself for their

late aggression, he marched to Edinburgh, and burnt that city, sparing only, through the intercession of the Duke of Lancaster, Holyrood House, where the duke had been hospitably lodged and entertained by the abbot during the late rebellion of the common people in England. After remaining five days there, the king again repassed the borders, and found to his surprise that the Scotch forces had in his absence invaded England on the western coast, and were then besieging Carlisle: the Duke of Lancaster earnestly advised the king to cut off their retreat, which, by the superior army under his command, might easily have been effected; but the Earl of Oxford dissuaded him from the attempt, and the king permitted them to return unmolested into Scotland. An occurrence took place about this time, which greatly excited the long-cherished hopes of John of Gaunt, to gain actual possession of the crown of Castile. John, King of Portugal, had gained a splendid victory over the united Spanish and French army, and amongst his troops a small body of Englishmen, under the command of two esquires, named Norbury and Harthill, whom John of Gaunt had sent over to his assistance, had particularly distinguished themselves. Delighted with this display of English valour, the King of Portugal immediately after the battle directed six galleys to sail for the coast of England, and wrote a letter to King Richard, with earnest entreaties for further aid: his wishes were responded to by the citizens of London, who gave a flattering reception to his embassy; the Duke of Lancaster was urgent with the king on behalf of his Portuguese allies; and Richard himself

was not a little pleased to divert the attention of his powerful and ambitious uncle from objects nearer home. The result of the king of Portugal's application therefore was, that a large armament was collected at Bristol by the following spring, amounting to two thousand men of arms, and eight thousand archers, besides many other attendants, and at least one thousand knights and esquires. On Easter day, the duke and his consort, queen Constance, took leave of the royal family : the king presented to the duke a crown of gold, and his queen a similar one to queen Constance. Seven galleys and eighteen ships from Portugal, with numerous other vessels, were prepared to receive them : and on a fine calm morning, in the month of May, they all embarked at Bristol, whilst a pleasant breeze from the east wafted this formidable equipment from the shores of England. In their way to Spain they touched at Brest, where the governor, Sir John Roach, requested the duke's aid against the French forces, who had besieged the castle : after having relieved him from his difficulties, the duke again put to sea, and landed at Corunna, on the coast of Galicia, on St. Lawrence's even, in the tenth year of King Richard's reign. From Corunna, the duke advanced to Compostella, where he passed the winter, after having had an interview with King John of Portugal, as to the best mode of carrying on the war : in the following March he entered Castile, and crossed the river Douro with all his forces ; no resistance was made to his arms ; the unfortified towns were easily obtained, but the walled cities and strong fortresses were well manned by the king of Castile, who had caused all

the provisions and other valuables to be brought there; and declined giving the invaders battle, until the arrival of fresh forces out of France, which he daily expected. This mode of warfare produced the effect that the king of Castile had anticipated: numbers of the English army died daily, some from the excessive heat of the climate, some from the scarcity and badness of provisions; so that not more than half of this fine army ever returned home. When the duke perceived the calamitous losses that he was thus sustaining, he had recourse to negotiations for peace; and, after considerable delay, this war was terminated by a marriage between Henry, the eldest son of the King of Castile, and Catharine, the only child of the Duke of Lancaster by his wife Constance. In consideration of this marriage, the duke and dutchess gave up all claims to the crown of Castile; upon which the King of Castile paid them the sum of two hundred thousand nobles, and agreed to make them a further allowance of ten thousand marks per annum, during their joint lives. In the month of November, 1390, the Duke of Lancaster, having finally settled these arrangements with the Spanish king, returned into England, and attended King Richard at Reading, where he held a council of his nobles. In the same year he was created Duke of Aquitaine; and soon after held a grand hunting party at Leicester, where he entertained the king and queen, with a great number of peers and their ladies. At the termination of these amusements, the Duke of Lancaster appears to have passed a short time at his castle of Tutbury, where Constance of Castile once

more resided: her health had been much impaired by the fatigue and disappointments she had undergone during her recent visit to her native land; with her increased illness, her religious views became more serious, and the strictness of her devotional exercises did not tend to mitigate the symptoms of her malady. The scene which here presented itself to his eyes, was too solemn for the patient endurance of the duke, whose opinions were rather at variance with the favourite religion of that day; and after regulating some of his private affairs in the immediate neighbourhood, he took a final leave of the unfortunate Constance, for whom he never felt a very tender affection. She died in less than two years afterwards, during his absence in France. From the period of her decease, it is probable that he never once visited the place of her former abode; and as the history of his subsequent life has little connexion with the annals of Tutbury, it may not be improper to notice in this place, a few of the local changes and appointments, which were made whilst he was in possession of that honor.

The manor of Barton, in Derbyshire, which had long been held by the family of Bakepuze, was forfeited in the fourth year of King Richard's reign, on account of the outlawry of the last possessor; and was granted by John of Gaunt to his "very dear and well-beloved bachelor,"¹⁶⁴ Monsieur Walter Blount," whose descendants held it for many years, and built there a splendid mansion, which was garrisoned during the

¹⁶⁴ Bachelor here means an inferior sort of knight.

civil wars by the parliament army. The park of Castle-hays was appropriated about this period to the depasturage of a stud of large horses, and continued to be used in a similar way for many generations. An annuity of twenty marks, to Mr. John Talbot, was charged upon the rental of Tutbury; and Sir John Pole of Newborough, and Roger Davenport, were appointed the duke's justices, to hold the sessions and assizes each year within the duchy of Lancaster. Avery de Sulney was chief forester of Needwood, and Sir John Cheyne, treasurer of Queen Constance's household.¹⁶⁵ Thus we find the ancestors of many families who still possess property in this neighbourhood, in the immediate service of John of Gaunt.

In the year 1393, the Duke of Lancaster was employed, together with the Duke of Gloucester, in negotiating a peace with France; but a truce for four years was all that could be obtained. Hitherto the dukedom of Aquitaine, which had been given to John of Gaunt upon his return from Spain, had proved nothing but a title without revenue: he went about this time with five hundred men of arms and a thousand archers, to take territorial possession of that country, in pursuance of the king's grant by his letters patent, confirmed unto him under the great seal, to hold it to himself and his heirs for ever, reserving homage only to the kings of England; but the people of Gascony and the adjoining provinces, informed him upon his arrival there, that they would not agree to this arrangement, nor ever submit them-

¹⁶⁵ John of Gaunt's Register in the Duchy Office.

selves to his authority in any other capacity than that of lieutenant to the King of England. As he was equally unable and unwilling to compel their submission by other means, he attempted to gain his purpose by acts of kindness, and the liberal distribution of money amongst them. Upwards of two years was thus spent; but the Gascon lords were so firm in their resistance to his authority, and their determination not to be separated from the crown of England, that all his efforts proved ineffectual; the grant was at length revoked, and the duke recalled in a manner not the most courteous. The king received him at Langley in Hertfordshire, where he was celebrating his Christmas; but the coldness of his reception so disgusted the duke, that he hastily retired from the court to Lincoln, where he sought consolation under all his disappointments in the bosom of his favourite Catharine Swynford, and in less than a week after she became his third wife. This marriage gave great displeasure not only to the king and the Duke of Gloucester, but to all the ladies about the court; the Dutchess of Gloucester, the Countesses of Derby, Arundel, and others, were highly offended, that a person of such mean extraction and immoral character, should take precedence of them; and the duke was for some time obliged to keep her in privacy; but at length the persuasive arts of this fascinating woman blunted the keen shafts of envy, and conciliated even the most inveterate of her foes. Nay, so extensive was the influence that she acquired at court, that in a parliament held at Westminster in 1397, an act was obtained, to render the children, which she had by the duke

previous to her marriage, legitimate.¹⁶⁶ John Beaufort, the eldest of them, was created Earl of Somerset; and Thomas, the youngest, some time after, Earl of Dorset; whilst the second, Henry, became Bishop of Winchester, a Cardinal, and Chancellor of England.¹⁶⁷ A quarrel commenced shortly after this between the king and his uncle, the Duke of Gloucester, which terminated fatally to the latter, the king having caused him to be apprehended and secretly put to death: the earls of Arundel and Warwick were also arrested. The dukes of Lancaster and York became seriously alarmed by this illegal exertion of royal power; and, together with many other peers of the realm, armed their vassals for the protection of their own persons: the whole country assumed a posture of hostile defence; but the king still persisted in his violent measures. A general pardon was at length extorted from him, but as suddenly revoked. He then caused a parliament to be held at Westminster, and an impeachment to be preferred against the earls of Arundel and Warwick, and the Archbishop of Canterbury. The managers of this impeachment on behalf of the Commons, were Sir John Bushy, who was their speaker, Sir William Bagot, and Sir Thomas Green; and the result of these parliamentary proceedings was, that the archbishop was condemned to perpetual banishment, the Earl of Warwick exiled to the Isle of Man, and the Earl of Arundel beheaded. The parliament was afterwards adjourned to Shrewsbury, where in the following

¹⁶⁶ Holinshed's Chronicles.

¹⁶⁷ Brookes's Catalogue.

spring the king, to conciliate the nobles, advanced the most powerful of them to higher rank ; amongst others Henry, the son of the Duke of Lancaster, who had previously been created Earl of Derby, was elevated to the title of Duke of Hereford. A general pardon was also granted to all such as had offended the king, with the exception of fifty only, whose names the king would not divulge ; by which reservation, if any of the nobility displeased him, he could insert their names at pleasure in the proscribed number, and thus ensure, as he thought, the good behaviour of all. These excessive encroachments upon the liberty of his subjects, were supported by a bull, which he procured from the pope in consideration of a large payment, and which pronounced severe censures and curses upon all such as should violate the statutes of the parliament. The king also procured the appointment of a committee of twelve lords and six commoners, with power to hear and determine certain petitions and other important matters, which during the sitting of the parliament could not be disposed of ; at the head of which were the dukes of Lancaster and York. Whether this committee exceeded their authority or not, it is impossible now to ascertain ; but they assumed the whole power both of lords and commons ; and had this innovation occurred under a more settled government, it might have formed a precedent fatal to the British constitution.

At this period an occurrence took place, which led to results of the most important nature. The Duke of Hereford publicly accused the Duke of Norfolk of high treason ; the latter denied the charge ; and the

parties agreed to decide their dispute by an appeal to arms. The king in vain endeavoured to reconcile them to each other, and the two dukes met at Coventry, where lists were prepared for the combat. Hereford first entered them, armed at all points, and mounted on a white courser, which was covered with green and blue velvet, embroidered in a splendid manner with gold swans and antelopes. The high-constable of England, and earl-marshal, who were there present, then demanded of him, who he was ; and for what purpose he came thither. Upon which he answered, "I am Henry of Lancaster, Duke of Hereford; and am come hither to do my endeavour against Thomas Mowbray, Duke of Norfolk, as traitor untrue to God, the king, his realm, and me." He then made oath upon the holy evangelists, that his quarrel was just ; and having dismounted, he took a spear in hand, and sat himself down in a chair of green velvet at one end of the lists. Soon after this the king arrived, accompanied by a number of the nobility, and a large force of armed men ; when he had seated himself, a herald at arms proclaimed order, and a second herald then gave this notice : "Behold here Henry of Lancaster, Duke of Hereford, appellant, who is entered into the lists royal, to do his devoir against Thomas Mowbray, Duke of Norfolk, defendant, upon pain to be found false and recreant."

Another horseman in full armour, was now seen at the entry of the lists ; his horse richly caparisoned with crimson velvet, embroidered with silver lions and mulberry trees ; it was the Duke of Norfolk ; who now in his turn made oath, that his quarrel was just and

true, and entered the lists exclaiming, "God aid him that hath the right;" after which, dismounting from his horse, he also seated himself in a chair of crimson velvet, hung with festoons of white and red damask. The spears of the combatants after having been examined by the earl-marshal, and ascertained to be of equal length, were returned to them, and orders issued, that they should each mount and proceed to the attack. No sooner was the signal given, than the valiant Hereford vaulted into his saddle; a quick glance of fierce delight was sparkling in his eye as he closed his beaver; grasping his spear with agility, he fixed the end of it into the rest, and rode forth courageously to meet his foe. Norfolk was no less willing to redeem his honour, but more cautious in preparing for the combat: he awaited with firmness the savage onset of his assailant, and thought to exhaust his strength by acting upon the defensive; the surrounding throng were expecting with eager gaze the first shock of the opposing spears, when the heralds who attended the king, announced, to the surprise of all, his commands that the combat should instantly cease.

Whether Richard feared the bad consequences which might ensue from this violent mode of determining quarrels, or whether he was actuated by less disinterested motives, his former determination to indulge the rival dukes in their wager of battle was suddenly changed; and he resolved to punish them both, although not with equal severity: their spears were by his orders taken from them, and they were directed to await in their respective chairs his final sentence. Two hours elapsed, ere they heard

their doom, and then a herald proclaimed silence; after which Sir John Bushy read the king's judgment from a record which had been made of it by the advice of his council: by that judgment, Henry, Duke of Hereford, was ordered to depart out of the realm within fifteen days, and not to return for ten years, under the penalty of death, without the king's permission; and Thomas Mowbray, Duke of Norfolk, was banished for life under a similar penalty.¹⁶⁸ Sorrow and despair soon brought the latter nobleman to his end at Venice; but the Duke of Hereford had acquired so great esteem amongst all ranks, that the king remitted four years of his banishment before he set out, and the common people attended him in crowds to the place of his embarkation, bewailing his departure as a national loss.

Richard's enmity was not appeased by the removal of Hereford, but he persecuted him even in foreign lands. When he heard of his having been favourably received by the French king, and of his proposed alliance with the daughter of the Duke of Berry, he resolved if possible, to undermine his influence at that court, and to prevent a connexion which would tend so greatly to strengthen the power of his exiled relation. The Earl of Salisbury was therefore despatched into France, with directions to accuse him of the most flagrant offences; and to dissuade the king from countenancing a marriage, which, he insinuated, would prove so injurious to his cousin of Berry. These unjust proceedings against the Duke of Hereford, were

¹⁶⁸ Holinshed's and Froissart's Chronicles.

only a prelude to a more daring act of outrage and spoliation. On the 3rd of February, 1399, his father, the Duke of Lancaster, died at the palace of the Bishop of Ely, in Holborn, and was buried in the cathedral church of St. Paul, under the same monument where the bones of his first wife Blanch had been deposited.¹⁰⁹ The rapacious Richard vainly imagined, that the destruction of his absent rival was now within his grasp: he seized without delay the goods of his deceased uncle, and gave orders that the rents and and revenues arising from his estates, should forthwith be paid to himself. His injured cousin demanded possession of them in consequence of his letters patent, by which the duke's attornies general were empowered to sue livery for him of all his inheritance; but Richard denied the claim, and revoked his letters patent. The duke's attorney, who still insisted on the right, was condemned as a traitor, and banished the realm. But the king's folly and exactions did not end here: he raised considerable sums from different parts of the kingdom, under the pretence, that the inhabitants of those districts had not paid the fines levied upon them, for aiding the Duke of Gloucester in his rebellion ten years before; and he also enforced a new oath of fidelity, to be taken throughout the realm: upon the slightest hesitation to comply with these unprecedented demands, the parties were apprehended and thrown into prison, from which they were not liberated, until they could purge themselves of the accusations brought against

¹⁰⁹ For the inscription upon the monument of John of Gaunt, see Appendix.

them, by wager of battle; in which case Richard took especial care to provide strong and powerful accusers, to engage in combat with persons of infirm or feeble constitutions.¹⁷⁰ These repeated instances of tyranny and oppression, only tended still more and more to alienate from the king the affection both of the nobility and people, and accelerated that catastrophe, which his own imbecility and incapacity to govern had long rendered probable.

Whilst the hatred and unpopularity, which such conduct had universally excited, were at their height, this weak monarch had the temerity to embark for Ireland, to quell a rebellion there, leaving his uncle the Duke of York, lieutenant-general of England during his absence. His departure was hailed as an auspicious moment by those who were anxious to see the kingdom once more well governed; and they neglected not this opportunity of inviting over the Duke of Hereford, now also Duke of Lancaster, to restore the splendour of that crown, which had been so tarnished by the misgovernment of Richard. He accordingly set sail from a port in Bretagne; and having for some time kept at sea, for the purpose of ascertaining the sentiments of the people with regard to himself, he landed in the beginning of July at Ravenspur, between Hull and Bridlington, on the coast of Yorkshire, where he was most joyfully received by all the inhabitants of that and the adjoining counties; he was soon afterwards joined at Doncaster by the Earl of Northumberland and many other peers; and from thence proceeded with a large army through the king-

¹⁷⁰ Holinshed's Chronicles.

dom to Evesham and Berkley.¹⁷¹ During this rapid march, in which he passed near his patrimonial honor of Tutbury, he had not leisure to visit the castle; yet he took care to send a trusty messenger to Sir Nicholas Montgomery of Sudbury, with directions to take possession of it, and to hold it for him. When the Duke of Lancaster came to Berkley, he found it in the occupation of his uncle, the Duke of York, who was on his way with a considerable force to escort the king upon his return from Ireland. The uncle and nephew after an amicable conference in the church, joined their forces and marched to Bristol.

Adverse winds and other causes of delay detained Richard in Ireland for some time; but he at length landed in Wales, about the 25th of July, and soon learned to his utter consternation, that all his castles from the borders of Scotland to Bristol had surrendered to the Duke of Lancaster: doubtful what to do, and not knowing whom to trust in this unexpected emergency, he withdrew to the castle of Conway, and there awaited in a state of the most painful agitation the next disaster that might befall him. The Duke of Lancaster in the meantime marched from Bristol, through Herefordshire and Shropshire, to Chester; from whence he sent the Earl of Northumberland to Conway, who, under the semblance of friendship, induced the king to leave his stronghold, and inveigled him into an ambuscade, which he had purposely placed for his apprehension. Thus attended by the Earl of Northumberland's men, he was lodged in the

¹⁷¹ Holinshed.

castle of Flint, where the Duke of Hereford met him ; and after having bowed his knee three times before him in token of obeisance, he was thus addressed by the king : " Dear cousin, you are welcome ;" to which the duke replied, " My sovereign lord and king, the cause of my coming at this time is (your honour saved) to have again restitution of my person, my lands, and heritage, through your favourable license." And the king made answer, " Dear cousin, I am ready to accomplish your will, so that you may enjoy all that is yours without exception."¹⁷² After this singular interview, Richard was conducted by the nearest road, through Lichfield and Coventry, to London, more in the character of a state prisoner, than that of a sovereign ; and the day after his arrival there, he was lodged in the tower. The people received the duke with the most sincere delight ; the undeserved misfortunes of his past life had formerly obtained for him their compassion and esteem, whilst his present power and success excited their hopes and elicited their praise. The citizens of London crowded the streets to greet him as he passed along ; their hatred of the former Duke of Lancaster was more than counterbalanced by their romantic attachment to the present.

Thus protected by public favour, Henry without delay assumed the power of summoning a parliament ; and although the writs were issued in King Richard's name, no sooner had it met, than a list of thirty-three articles was prepared for the express purpose of subverting his authority. He was charged therein with

¹⁷² Holinshed's Chronicles.

having wastefully spent the treasure of the realm, with having murdered his uncle the Duke of Gloucester, and put to death the Earl of Arundel contrary to law, and with having committed many other acts of tyranny and extortion.¹⁷³ Grievous as these accusations were, one person alone, the Bishop of Carlisle, was found hardy enough to espouse the cause of the unfortunate Richard: he urged in his behalf the inexperience of his age; he cited instances of more arbitrary acts which had been committed during the reigns of his predecessors, without any public animadversion; and in conclusion he indulged in a tedious declamation upon the divine rights of kings, and the passive obedience of subjects.¹⁷⁴ But the nobles and commonalty of England were too enlightened even in those days not to perceive the fallacy of such arguments. Richard was by almost universal consent judged unworthy to manage any longer the affairs of the state; and his fate conveyed a salutary lesson to all future princes, of the uncertainty of that tenure by which their crowns are held, unless they learn to reign in the hearts and affections of their people. On the 29th of September, 1399, Richard, under the advice of the commissioners appointed by parliament, resigned the throne; within two days his resignation was confirmed by both houses; and the Duke of Lancaster was elected king in his stead, by the name of Henry the Fourth.¹⁷⁵

Upon this event the castle, together with the honor of Tutbury, and the rest of the Duchy of Lancaster became.

¹⁷³ Holinshed.

¹⁷⁴ Hume's History of England.

¹⁷⁵ Holinshed's Chronicles, Rapin's Hist. of England.

annexed to the crown ; and very few of the royal owners ever condescended to lodge within its walls. The accustomed officers were still appointed to protect the interests of its masters ; and amongst the neighbouring gentry, many efficient persons were from time to time selected for this purpose. In the beginning of the reign of Henry the Fourth, Sir Nicholas Montgomery of Sudbury,¹⁷⁶ an ancestor of Lord Vernon, held the office of constable of this castle, and warden of the Chace of Needwood, with a salary of £20 : Sir Avery Lathbury of Egginton, ancestor of Sir Henry Every, Baronet, had also an annuity of £20 out of the issues of Tutbury. Sir Thomas Gresley (from whom Sir Roger Gresley, Baronet, is lineally descended), was master forester of the High Peak, for which he received £26 a year out of the profits of Rolleston; and to Sir John Bagot, Knight, a predecessor of the present nobleman of that name, an annuity of 40 marks was payable from Uttoxeter. Henry soon afterwards had reason to perceive the good policy of thus attaching the most powerful of his feudal tenants to his interests, for his reign was frequently disturbed by his rebellious subjects, amongst the most formidable of whom was the Earl of Northumberland. That nobleman having been defeated in his first attempts against the king, fled into Scotland, from whence he sent emissaries into various parts of England to excite commotions; and at length, in the month of January, in the ninth

¹⁷⁶ In consequence of some defalcation, a distress was issued against him, and Mr. John Blount occupied that office for two years, until he was reinstated ; and in the second year of Henry the Fifth, his son held the same office.

year of this reign, he invaded Northumberland and Yorkshire with a considerable force out of Scotland, which was soon augmented by numerous parties of the disaffected in the north of England: from the town of Thirsk he issued a proclamation, in which he declared, that his sole motive for thus entering the kingdom, was to relieve the distresses of his countrymen; and he invited all who wished to maintain their liberties to join his standard.¹⁷⁷ A copy of this proclamation was forwarded into Staffordshire, where he had reason to imagine the king was not popular. The Earl of Northumberland was soon slain, and with his life ended the rebellion; but the riotous proceedings of his confederates in Staffordshire continued for some time after. Hugh de Erdeswick and Thomas de Swynnerton, two gentlemen of good families in that county, attended by a number of armed men, upon the receipt of the earl's proclamation, made a violent attack upon John Blount,¹⁷⁸ steward and constable of the king's manors at Newcastle-under-Lyne; and the mayor of that town declined instituting any inquiry into the cause of this outrage, for fear, as he stated, of losing his own life. The impunity with which this first aggression had been committed, tempted Erdeswick to make another attack upon this unfortunate steward, with an armed force, who nearly succeeded in murdering him at Lichfield. Robert de Waterton, the chief steward of the duchy, at

¹⁷⁷ Holinshed's Chronicles.

¹⁷⁸ John Blount was the son of Walter Blount, to whom John of Gaunt granted Barton Park upon the outlawry of Bakepuz, the former proprietor. The family of Erdeswick, who lived at Sandon, appear to have espoused the cause of Bakepuz.

length issued a warrant for his apprehension, and both he and his attendants found sureties to keep the peace; but so little did they consider themselves bound by any legal restraints, that on that very day, he and three brothers of the name of Mynors,¹⁷⁹ having armed themselves and their followers with lances, cruelly maimed John Caldwell of Rolleston, and beat Robert Hawk of Dunstall, two of the king's tenants. On the 12th of October following, this lawless band again entered the town of Newcastle, and attacked the house of John Boghay, Esq., with the intention of killing him, because he had presented them in the court leet there; but he escaped their fury by taking refuge in the church. Two receivers of the Chace of Needwood, John Gardiner and John Hopkyn, were the next who fell in their way, and it was only by a spirited resistance and subsequent retreat amongst the intricate thickets of the forest that their lives were saved; from thence Mynors came to Marchington, and severely punished a tenant of Sir Nicholas Montgomery, because he had attended Blount when he called upon them for sureties: another victim of their malice was an old forester, and faithful servant of the dukes of Lancaster, who resided at Uttoxeter, named John Passmere, whose house they broke open, and destroyed the furniture therein. The same party threatened the life of the miller at Uttoxeter mill, if he continued longer to work there; and attempted to kill Thomas de Belton, a tenant of the duchy; in short they way-laid, beat, and abused all the king's tenants in the honor of Tutbury, wherever they could meet with them; and

¹⁷⁹ Belonging to an ancient family at Uttoxeter in Staffordshire.

for a time put a stop to the collection of his rents. They appear to have been supported in these illegal transactions by William Venables, Baron of Kinder-ton, and many Cheshire gentlemen, who had been the faithful adherents of King Richard the Second; for when Hugh de Erdeswick was apprehended under a commission from the king, they came to Rochester to rescue him, and sent from thence a challenge to Mr. Blount, with a proposal either that he should fight with Erdeswick in single combat, or engage with six, twelve, or twenty gentlemen on each side; threatening that if he declined the acceptance of it, they would come to Barton Park and destroy his mother's mansion there. These tumultuous proceedings continued upwards of a year, and were at length suppressed by legislative interference.¹⁸⁰

There is reason to believe that Tutbury had been fortified previous to this reign; for frequent mention is made in the records of those times of the bars¹⁸¹ or barriers, and of the gates of the town, and traces are still visible of a vallum and foss, extending from the little park below the castle, completely round the town, to the Fleam or Old Dove, which washes the base of the castle hill on the opposite side:¹⁸² if the whole of

¹⁸⁰ See rolls of parliament, eleventh year of Henry Fourth, c. 37. A. D. 1409. In the first year of Henry the Fourth, a violent affray also took place near the Trent, on the confines of the honor of Tutbury, between Sir Robert Malveysin of Ridware, who had armed his tenantry in support of King Henry, and the Lord of Handsacre, who had joined the Earl of Northumberland in his rebellion; in this contest the Lord of Handsacre was slain. (*Shaw's Staffordshire.*)

¹⁸¹ MSS. in Duchy Office.

¹⁸² A part of this fortification still bears the name of Iron Walls, but on what account it is not known.

this area has been covered with buildings, the place must have been much more populous than it is at present; and that it was so, is rendered very probable from the traditionary accounts of its former size, as well as from the fact of many streets being mentioned in ancient writings, the very sites of which are now unknown.¹⁸³ That a great depreciation took place in the value of land in this vicinity, is ascertained from the respective surveys which were made in the reigns of Henry the Fifth and Elizabeth; and no doubt this depreciation was caused by the castle being deserted by its owners, and the town consequently declining in population and importance. The first of these surveys contains an accurate account of the state of the duchy, and copies of all the ancient grants either from the lords thereof or their tenants then extant; the whole of which are beautifully engrossed on vellum, in a book commonly called "The Coucher,"¹⁸⁴ which is now preserved in the duchy office, and bears in the commencement the following title: "Rental made and renewed before Thomas Somercotes, auditor; Thomas Boothby, receiver; and Thomas Wade, holding the place of steward, by virtue of letters patent of our lord the king to them directed, given at Westminster the 4th day of February, in the second year of Henry the son of King Henry." The burgage rents of the town of Tutbury are therein stated to produce £16. and 6½*d.* annually; the tolls of the market and poundages were rented by Richard Isok at £2. 13*s.* 4*d.* a year; the burgesses of Tutbury held

¹⁸³ *e. g.* Dove-street, Market-street, &c. in Duchy MSS.

¹⁸⁴ Derived from the French.

a common oven¹⁸⁵ to themselves and their heirs, for which they yearly paid £1. 4s. The two water-mills of Shotwood, under one roof, were let for £16. 13s. 4d.; and a fulling-mill at Polemiln-bridge, called Wood-Mill, was under lease to John Walker, who was bound to sustain and repair it at his own expense, upon an annual rent of 15s.: the great fishery of the water of the Dove, with the nets and boats, were rented at £3. 7s. 4d.; the fishery of the Old Dove (now called the Fleam), near Obholme, was held by Richard Burton at 2s. a year; and the fishery of Scropton, in the water of Dove, produced an income of 15s. A customary rent, called Baron Toll, was annually paid at the feasts of the Annunciation of the Virgin, and the Nativity of St. John the Baptist, by the under-mentioned townships, in the following proportions:

	s.	d.		s.	d.
Boylstone	6	2	Alkmanton	2	6
Nether Thurvaston....	3	0	Cubley	2	4
Old Thurvaston	2	0	Saperton	1	6
Radbourn	4	0	Etwall	3	0
Trusley	3	0	Dalbury.....	2	8
Swarkeston	1	0	Hilton	5	6
Osmaston, near Derby	0	11	Hoon	2	4
Hungry Bentley.....	1	4	Burnaston	4	0
	£1	1 5		£1	3 10

¹⁸⁵ This oven was granted to the burgesses of Tutbury, by Henry Earl of Lancaster, in the sixteenth year of Edward the Third; they were to repair the oven and house adjoining at their own costs; but the earl and his heirs were bound to repair the cellars annexed thereto.

Amongst the tenants within the manor of Barton, are noticed Thomas ap Griffiths, the then Lord of Whichnor, who held the manor of Bridshall, by the service of setting the first dish before the lord of Tutbury on his birth-day, provided he should be at Tutbury on that day. The Lord of Knightly Hall, who held twenty-four acres of land there, for which he formerly paid 22*s.* 8*d.*, but which had been lately released to him at half that rent; and Lady Alice Stafford, who held certain lands at Rodlow, which used to pay £1. 14*s.* 8*d.* annually, but of which £1. 1*s.* 4*d.* had been remitted on account of thirty-one acres thereof having been inclosed within the park of High-Lyndes, and an additional sum of 6*d.* was annually paid from the said lands, in lieu of a pair of gilded shoes.

The bondage tenants of Barton paid an annual tollage, called Stuth, amounting to £2. 8*s.* 8*d.*, and £1. 0*s.* 4*d.* called Frythsilver, for the services of two views of Frankpledge at Martinmas, and the Nativity of St. John the Baptist; the water-mill there was let at the rent of £6. 6*s.* 8*d.*; the common oven at 6*s.* 8*d.*; and the fishery of the Trent at £1. 8*s.*

In the manor of Marchington was a water-mill, rented by John Houndhill and William Millward at £5. 6*s.* 8*d.* annually; the frythsilver in that manor had lately produced £1. 16*s.* 8*d.* but then only £1. 6*s.* 6*d.* and the tallage of bond tenants lately £4. but then only 5*s.* annually.¹⁸⁶

From these extracts it is sufficiently evident, that a

¹⁸⁶ See the great Coucher in the Duchy Office.

decrease in the rental had already taken place in those parts of the honor most contiguous to the castle, since the non-residence of its proprietors; and a still further diminution of income will be perceptible, when we come to consider the survey of Humberston in the reign of Queen Elizabeth. Even the town of Uttoxeter, distant as it is from Tutbury, had suffered in some degree from the same cause; for the number of burgage houses there had been reduced from one hundred and forty to one hundred and thirty-eight, and the rents of them from £7. 2s. to £6. 17s. 11d.: the two forges also, which are mentioned in the preceding survey, taken in the year 1298, appear to have been abandoned, as no mention is made of them in the Coucher. At Newborough in Agardsley the same number of burgages still existed, but their annual value was reduced from £7. 12s. 1d. to £7. 11s. 6d.

The names of towns and hamlets, enumerated in the Coucher as appendant to the honor of Tutbury, amount to eighty in Staffordshire, two hundred and thirty-six in Derbyshire, thirty-seven in Leicestershire, and nine in Warwickshire. The titles of the king's officers belonging to the honor, with the duties they had respectively to perform, and the liberties and customs of the tenants within it, are also fully set forth in this survey.¹⁸⁷

From the period that the lords of this honor had been raised to the throne, their ancient Chace of Needwood began by degrees to be considered a royal forest, and the officers belonging to it gradually assumed the

¹⁸⁷ The whole of these interesting documents are to be found in the Appendix.

right of exercising the forest laws here with equal strictness as they were elsewhere enforced. Those tenants, whose lands immediately adjoined the chace, were particularly aggrieved by the continual depredations committed upon their corn and other crops by the stray deer, and when they chased them and drove them away, as they had been accustomed to do, the keepers of the chace amerced heavy fines upon them, and in some instances even proceeded to imprisonment. They defended their unjust proceedings by asserting, that all lands which had been reclaimed from the forest, and cultivated, however remote the period of their inclosure might have been, were still subject to the forest laws as purlieus, and that the deer upon them must not be disturbed. The manors of Houndhill and Hanbury were classed by the keepers amongst lands of this description; and the exactions, to which the tenants of land within these manors had been subjected, for what the keepers had considered trespasses upon the venison, became intolerable. At length, upon the petition of John Harper, Esq., and Elianor his wife, to whom the said manors of Houndhill, and Hanbury, otherwise Knight's Fields, then belonged, a commission was granted by the duchy court, on the 8th of December, in the twenty-third year of the reign of Henry the Sixth, to inquire and certify, whether those manors were within the borders and precincts of the Chace of Needwood, or not; and an inquisition was taken at Tutbury on the 20th of March following, before Sir Thomas Blount, Knight, who then occupied the place of steward, Sir John

Griffiths, Knight, Robert Whitgreave, the receiver of the honor, and John Atwell; when it was found upon the oaths of fifteen jurors, that the aforesaid manors were situated beyond the boundaries, limits, and precincts of the Chace of Needwood, and that the said chace was anciently inclosed with hedges, pales, gates, and banks, and on the northern side thereof was thus bounded: from a certain gate, called Marchington Wood Gate, by banks and hedges to a gate called Stubby Lane Gate; and from thence by hedges to Draycott Gate; and from thence by hedges to Coton Gate; and from Coton Gate by hedges to Heyfield; and from thence to Buckstalls, and so by hedges to the Hills; and from the Hills by hedges to Faldock Gate; and from thence to Molds' Gate; and then by hedges to the Park of Hanbury; and from Hanbury Park to Blackbrook Gate, within the ward of Tutbury; and from Blackbrook Gate by hedges to the park of Castlehays; and that no part of the said chase on the northern side thereof, extended beyond these boundaries, but that the aforesaid manors of Houndhill and Hanbury, otherwise Knight's Fields, were situated beyond these boundaries, and out of the Chace of Needwood. The said commission and inquisition were returned into the duchy court, and afterwards certified in the chancery and exemplified.

These proceedings for a time checked the rapacious conduct of the keepers, and the subsequent civil wars between the rival houses of York and Lancaster produced a more liberal exercise of forestal rights. Soon after Edward the Fourth had obtained the ascendancy

over the weak and unfortunate Henry, he dissevered the honor of Tutbury from the rest of the paternal estates of the fallen monarch, and granted it together with the castle, in the fifth year of his reign, to George, Duke of Clarence, and his heirs : it was not long, however, before that ambitious and fickle prince joined the Earl of Warwick in rebellion against his royal brother, and although a partial reconciliation took place between them, Edward thought fit to annul the grant he had before made ; and in the thirteenth year of his reign issued a warrant to resume the possession of these estates,¹⁸⁶ and they were accordingly granted in that year to Thomas, Archbishop of Canterbury, and other trustees, to hold for the king during his absence in France. The honor and castle of Tutbury have ever since remained parcel of the Duchy of Lancaster, and are now possessed, as such, by his present most gracious Majesty.

After the termination of those destructive wars, which had disturbed and depopulated the kingdom for nearly thirty years, Henry the Seventh had the good fortune to enjoy a comparatively peaceful reign, during which he had leisure to indulge in his favourite amusement of hunting ; and the castle of Tutbury was sometimes resorted to by that king and his court, when he pursued this diversion in the adjacent forest of Needwood. His near relationship to the House of Lancaster endeared to him this seat of their former abode, whilst the picturesque scenery, which surrounded it, not only charmed his eye, but afforded ample scope

¹⁸⁶ Rot. 13. Edward IV. 12. 25.

for the gratification of those pleasures to which he was attached. So that he seldom visited his mother, the Countess of Derby, who resided at Lathom-House in Lancashire,¹⁸⁰ without enjoying on his way thither, a short relaxation in the woody recesses of this lovely forest.

One day during the ardour of the chace, he was separated from all his companions, and having in vain sought to join them again through the thick masses of wood with which the forest abounded, he determined at length to extricate himself from his difficulties by proceeding to the nearest village, and inquiring his way from thence to Tutbury: it so happened, that for this purpose he stopped at the house of a poor man, named Taylor, in the village of Barton-under-Needwood, whose wife had not long before presented him with three sons at a birth; the father volunteered his services to conduct the king, who did not disclose his rank, to the place of his inquiry, and whilst he was making himself ready for that purpose, the mother introduced her three little babes to the stranger at the cottage door: the king was much pleased with the adventure, and in reward for the poor man's services, undertook to pay for the education of the three children, if they should live long enough to be put to school. Taylor expressed his grateful thanks, and the king did not forget his promise. When the three children attained man's estate, they had made such good use of the learning thus af-

¹⁸⁰ She was the wife of Thomas Stanley, created Earl of Derby in the first year of the reign of Henry the Seventh, and widow of Edmund Earl of Richmond, the king's father. This title of Derby was not derived from the town of Derby, as that of the Ferrers was, but from the hundred of West Derby.

forded them, that they all became doctors of divinity, and obtained good preferment. John Taylor, the eldest of them, became archdeacon of Derby, rector of Sutton Coldfield, and clerk of the parliament that sat in the seventh year of the reign of Henry the Eighth. He was made Master of the Rolls in 1528, and died in 1534; but not before he had proved his gratitude to the Almighty disposer of events for the singular mercies extended to himself and his brothers, by erecting the present church of Barton near the site of the cottage in which they first saw the light.¹⁹⁰

In this reign a dispute arose between some of the king's tenants of the honor of Tutbury, (especially those who resided in Rolleston and Barton), and the abbot of Burton-on-Trent. They complained that the said abbot prevented them from depasturing their cattle upon certain common grounds, called the Brerys, Kitmorrys, Deadbroome, the inner and outer Shaw, the Pyngelles, Sellers Meadow, Astleholme, Hoar Meadow, and the Breeche; and that he had also illegally demanded toll in the markets and fairs of Burton and Abbot's Bromley from the king's tenants. The king's officers also alleged that the abbot had inclosed three closes in the lordship of Rolleston, and three in the lordship of Barton, in which the king's tenants up to this time were accustomed to depasture their cattle; and that he had made a weir within the lordship of Rolleston upon the water of Dove, which caused the meadows and pastures to be drowned. On the other side the abbot asserted, that the closes alluded to were within Burton, Branstone, and Stretton, and

¹⁹⁰ Plotts' Staffordshire, Shaw's Staffordshire, and Wood's Fasti.

that he had a right to inclose the same as part of his possessions ; that he and his predecessors from time immemorial had been seized of a weir upon the water of Dove¹⁹¹ within the lordship of Egginton, but that neither he nor they had ever erected any weir within Rolleston lordship. An award between the parties was soon after made, under the king's commission issued out of his duchy court, by Sir James Blount, Knt. and Thomas Kibill, sergeant at arms, by which it was decided, that the above-mentioned weir was situated in the lordship of Egginton, and not in the lordship of Rolleston ; and further, that the king's tenants were to forego their claim of common in the Abbot's lordship, upon the latter paying five shillings annually at the feast of the Nativity, for the support of the lights in the parish church of Rolleston, and a similar sum for the support of those in Burton, in default of which payment the said tenants were to assert their first claim ; it was also directed that the abbot and his successors should permit all the king's tenants to come to their fairs and markets at Burton, Abbot's Bromley, and elsewhere, peaceably and without interruption.¹⁹²

¹⁹¹ The erection of this weir, which now belongs to Thomas Thornevill, Esq., must have been co-eval with that of the adjoining mills, and we find them first mentioned in a charter of Richard de Leisle, abbot of Burton, dated January 19th, 1226, in the eleventh year of Henry the Third ; unless they were the same that were held by one Edwin, in the reign of Henry the First, at a rent of £1. 5s. annually, and a salmon once in three years. The weir no doubt had been raised about the time of this complaint to a higher level, and that caused the grievance. (*Register of Burton.*)

¹⁹² Pleadings in the Duchy Court, in the fifteenth year of Henry the Seventh.

The land between the Abbot's Grange at Shobnall and the forest of Needwood, was at this time in an unreclaimed state, overgrown with thickets of underwood, and depastured in common by the tenants of the abbot and those of the king, who resided in the adjoining parts of the honor of Tutbury. As the town and neighbourhood of Burton became more populous, various settlers were brought by the abbots to these wild districts, and assart lands to a considerable extent were inclosed under their connivance. I am inclined to think that some encroachments were thus made upon the king's property, and it was probably upon condition of their title to such encroachments being confirmed, that the abbots gave up their right to estovers in the forest, which they had acquired by grants from the ancient earls of Derby. Parts of what was subsequently called by the monks Sinai Park, and the adjoining farm of the Rough Hay, was annexed to the possessions of the abbots of Burton in some such manner as this. But on the other hand it must also be admitted, that the tenants of Rolleston and Barton were particularly jealous of their rights of common, and that they exercised these rights to an almost unlimited extent in this wild neighbourhood. Their disputes upon this subject were not confined to those with the abbot of Burton, for we find a similar plea set up by them in opposition to John Blount, Esq., a resident inhabitant of Burton-on-Trent, in the tenth of the next king's reign, the particulars of which are as follow: Mr. Blount claimed to be seized of certain messuages and void ground, called Rydding Doors, and other closes and pastures, called the Ryddings,

lying within the assarts of Annesley, in the parish of Rolleston, which were held of the king, as of his honor of Tutbury, by certain services asset forth in the Tutbury Coucher; but in consequence of a right assumed by Thomas Rolleston, Esq., and other inhabitants of the town of Rolleston, to turn their cattle into these lands to depasture, upon the petition of Mr. Blount, a commission was issued out of the duchy court, and directed to Sir Walter Griffiths, Knight, and John Wells, receiver of the honor, to examine into the circumstances, and to take an inquisition upon view. Mr. Blount produced to them the copy of a deed in the coucher, showing that Sir Richard Vernon, Knight, had held some of these assarted lands, which Alice Stafford subsequently granted to John Myners, Esq., who conveyed the same to Reynold Thirkell, from whose son John they passed to Nicholas Agard, Esq.; and that these lands were situated betwixt the way leading from Annesley to Needwood, and the lands of the Abbots of Burton, called Rough Hay, and adjoining to Wimundesway: these lands had been subsequently conveyed by Edmund, son of the aforesaid Nicholas Agard, to the said John Blount, and his heirs. In the twelfth year of the reign of Henry the Eighth, the commissioners certified, as to the situation of the above lands; and it appears to have been determined, that part of them was common or waste grounds, and part not;¹⁰³ but after they had been under cultivation for some years, the whole of them were

¹⁰³ See Pleadings in the Duchy Court, tenth and twelfth years of Henry the Eighth.

abandoned, and have been used as waste lands ever since, until within the last twenty years, when they were allotted and inclosed under an act of parliament, together with the other commons in the manor of Rolleston.

The officers of the forest having been frustrated in their attempts to extort fines from the occupiers of the adjoining lands, had now discovered another mode of enriching themselves at the expense of their masters; and for some years depredations had been committed upon the timber under their care to an enormous amount. In the thirty-first year of Henry the Eighth, Bykley, one of the keepers, was detected in an offence of this nature, and upon being charged with it he had the insolence to claim the trees he had felled, as perquisites belonging to his office. Upon the further examination of these circumstances it appeared, that forty-five loads of timber had been thus cut down and sold by the keeper of Tutbury ward, one hundred and eleven loads by the keeper of Marchington ward, one hundred and seventy by the keeper of Barton ward, one hundred and twenty-four by the keeper of Yoxall ward, and sixty-four loads by the keeper of Uttoxeter ward; making a sum total of eight hundred and forty-one loads of timber sold out of Needwood forest by the keepers during the course of a single year, besides a considerable waste of wood in the king's parks adjoining!¹⁹⁴ Such a clearance would soon have rendered Needwood as bare of timber as many other parts of the kingdom which still possess the names of

¹⁹⁴ See Pleadings in the Duchy Court, temp. Henry the Eighth, still preserved in that Office.

forests, but have never been known to exhibit any sylvan beauties.

Some attempt was made to check the evil, the keepers were discharged, and others appointed in their place, who for a time had the conscience to refrain from these dishonest practices; but the temptation was too great to withstand: their successors in office soon fell into similar habits, and in the two succeeding reigns great havock of the timber was continually made under the connivance of those who were appointed for the express purpose of preserving it. A survey of the parks adjoining Needwood was taken in the reign of Philip and Mary, and the jury who had been impanelled to view the same presented: "That there was then a park adjoining the castle of Tutbury, called the Castle Park, in compass one mile. Mr. Wells was the keeper and herbager of it under Lord Paget, and the number of deer of all sorts within it amounted to one hundred and thirty-seven.

"That the compass of Rolleston Park was two miles and upwards; one John Taylor, gentleman, being the keeper and herbager, in which were one hundred and five deer, and that there had been felled within the said park twenty-four trees not having the king's axe upon them, as appeared by the stools still remaining. That there was inclosed within the said park a piece of meadow ground containing four acres or more, the hay of which was yearly appropriated by the said keeper to his own use, to the great hindrance of the feeding of the deer; and that the tenants of Tutbury and Rolleston had been accustomed to depasture their cattle in the said park after the rate of one shilling and

sixpence for each beast, but that the said keeper had lately raised the price to two shillings and eight pence each, to their utter undoing ; and that the keeper had sold that year out of the said park five hundred alders.

“That the compass of Stockley Park was three miles ; one Lyttle being the keeper and herbager there, and Sir John Port, Knight, farmer of the said herbage under the said Lyttle ; there were one hundred and sixty deer in that park, and within the last four years forty trees had been there fallen not having the king’s axe upon them ; that the king’s tenants had been accustomed to have their beasts depastured in that park at the rate of one shilling each, but now could not have them there under two shillings.”

The jury also presented : “That there was a park, called Barton Park, in compass about one mile and a half or thereabouts ; that one Mr. Madock was keeper and herbager there, and that it contained one hundred and four deer. That there was another park, called Sherholt Park, in compass one mile, James Maperley being the deputy keeper under Lord Paget, and Richard Fletcher herbager : the deer were estimated at one hundred and forty-four in this park. That there was another park, called High Lynns Park, in compass two miles and a half ; James Maperley keeper, and Sir George Griffiths, Knight, herbager, and that there were one hundred and twenty-seven deer within the same ; that the park pale of High Lynns Park was in decay in every place against the ground of Sir George Griffiths and his tenants, through the neglect of James Maperley the keeper there, because there had been timber marked with the king’s axe

about a year and a half before, and the said James would not suffer the same to be felled, but said the commissioners should see it as it was, and he likewise denied permission to William Byrd, Thomas Agard, and Nicholas Agard, to fell such timber as had been marked for the repairs of the said decayed pale, on account of their requiring the tops of the trees so marked according to ancient custom; and when it was reported, that the said commissioners would come to view these decayed pales, the said Sir George Griffiths and his tenants, Byrd and the two Agards, did stop these decayed pales with bushes, but the said James Maperley had caused his servants to pull out the said bushes, that the said commissioners might see the decayed pales as they were: that there had been felled in that park eighty-seven timber trees within the last two years, and within Yoxall ward, of which James Maperley was also the keeper, fifty-three trees within five years, and that of wood and underwood within the said ward and park, there had been sold by the said James and his servants three hundred loads.

“That the park of Castlehay had been disparked, and the herbage thereof kept the king’s race of great horses, the compass thereof was four miles or more, and one Christopher Errington had the management of it; that there had been two hundred and ten trees felled within the said park; and that the said Errington had taken in the cattle of different persons to depasture by the week, and that he had there twenty oxen of his own, and in the space of three weeks, more or less, had taken in one hundred oxen to depasture in that park; that he had lately sold four loads

of hay out of it, and in the preceding April a twelve-months' hay, for £1. 10s.; that the bailiff of Tutbury had eighty sheep there, which he paid the keeper for; that in that park there were plaster pits, the rent of which by the year, including the herbage, was £5. 5s.

“That Hanbury Park had been disparked, and the herbage reserved for the king's stud mares; the compass thereof was two miles and three quarters; and the above-mentioned Christopher Errington had the management of it also: that thirty-five trees and spyers¹⁹⁵ had been lately felled within that park, and that a hundred loads of underwood, alder, hazle, and hawthorn had been cut down and stocked up there.

“That in Tutbury ward there had been felled within the last four years one hundred trees; that Thomas Dutton had lately been appointed to the office of keeper; that there were one hundred and nineteen deer in the same ward; and that the men of Hilton, Marston, and Egginton had carried away two hundred load of trowse¹⁹⁶ out of the forest of Needwood, although they had no right of common there.

“That one William Caldwell, who was the farmer of Lawrence Hay, had felled within the last four years one hundred loads of underwood.

“That James Maperley and his servants had killed for his own use, and that of his friends, within the last seven years, twenty head of deer in his walk.

“That the king's tenants of Barton, who were joint commoners within the lordship of Burton, had

¹⁹⁵ Trees growing up or sprouting from the old roots, or stools of those, which had formerly been felled.

¹⁹⁶ Brush-wood.

been excluded by the tenants of that lordship from their intercommonage; and that the tenants of Barton had by ancient custom a claim to all sorts of materials for the repair of the king's pinfold there.

"That the king's tenants of the Reves' things or yard-lands of copyhold inheritance, ought to have timber set out in Needwood for the reparation of the Reves' things, under the inspection of the king's wrights; and at the wedding of every one of their eldest sons, a stubb of two or three loads of wood to make fires at the same was to be given them; and that the tenants ought to have in Needwood, as commoners there, all stool wood, hoar lynt,¹⁹⁷ blackthorn, and windfallen wood lying upon the ground, provided it did not exceed half a load, and all the browsing wood and gorse,¹⁹⁸ and also wood for their bonfires by ancient custom."¹⁹⁹

From the foregoing presentment the reader may form a tolerably accurate idea, of the shameful devastation which the keepers of the various wards and parks had been committing for many years: as wood at that time formed the only fuel with which the inhabitants of this part of the kingdom could be supplied, the temptations to commit excesses of this nature were certainly great; and in all probability young timber trees were cut down without any compunction, for the purpose of being made into faggots. In the assignment of wood to the tenants for the reparation of their

¹⁹⁷ Hoar lynt is the white wood of the linden or lime tree, after the bark had been picked off to make ropes of.

¹⁹⁸ Furze or Whin.

¹⁹⁹ See pleadings in the Duchy Court. temp. Phil. and Mary.

houses and hedges, and the supply of their fuel, much damage was occasionally committed ; for if the king's wrights or woodmen were not proof against a bribe, much better trees might have been nominally appropriated for these uses than the occasion required. A number of encroachments had from time to time been made at the edge of the forest, upon which cottages had been erected ; and these were inhabited by a race of men not very delicate in committing further trespasses : they were in general indolent and poor in the extreme, and as they depended entirely upon the produce of the forest for subsistence, they were often regardless of the manner in which they obtained it. Not only the timber, but the deer and game suffered much from their lawless plunder ; and when the use of fire-arms had been introduced, these depredations were carried on with greater ease. In deer-stealing many of them were particularly expert ; and every kind of stratagem was resorted to in evading the vigilance of the keepers. Under the pretence of driving his cow or swine home at the decline of day, the forest peasant would frequently watch the deer browsing in their accustomed haunts, and when a well-fed buck could be singled out with the least risk of detection, the loaded barrel was soon withdrawn from its concealment beneath his frock, and applied to the rude stock, which had often served a similar purpose. In the event of a successful shot, the stricken deer was quickly despatched, and carefully deposited amongst the gorse or brambles near the spot where he had fallen ; but during the night, or in any case before the middle of the following day, the prize was conveyed to the

larder of some opulent neighbour, whose power could awe, or liberality avert, the dreaded vengeance of the keepers. Reward was the sure attendant of such a capture, and his innate propensity to plunder was willingly indulged, whenever any of his wealthy protectors required an addition to the luxury of his table. Besides, exploits like these were a theme of praise amongst the forest peasantry; that man who could perform them with the most cunning and dexterity, was looked upon in the adjacent villages as a sort of hero; the fear of disgrace, which is generally the most powerful preventive of crime, attached itself not to him. His equals gave him credit for sagacity and valour; his superiors protected him from future harm; and the daring acts of his life were not confined to the simple annals of his native village, for they often formed one of the most enlivening topics of conversation at the hospitable table of his patron.³⁰⁰ But these marauding expeditions were not always unattended with danger; the pride of the keepers was occasionally offended at being so frequently foiled in detecting the stealers of their deer, and bloody encounters between these rival parties occasionally ensued: the offender was sometimes apprehended, fined, and imprisoned; nay, perhaps, even forfeited his life to his temerity.

³⁰⁰ So much encouragement was given to deer-stealers by the gentlemen who lived on the borders of the forest, that one of them, when he served the office of High Sheriff, in the reign of George the Second, publicly boasted of the number he had rescued from the keepers, and the quantity of venison he had thus procured.

A fatal instance of this kind will appear in the following traditional account of the death of a deer-stealer, which was related to me by one of his descendants about twenty-five years since; and the truth of his story is corroborated by the circumstance of two places at the time of the inclosure of the forest being distinguished by his name, which was in each instance coupled with an allusion to the particular occurrence that there took place.²⁰¹ Upon the verge of the forest, near Tatenhill Gate, there stood within memory a small cottage, the owners of which had for several generations borne the name of Wilmore, and more recently Witmore. The latter designation was that by which my informant was known; and he stated, that one of his ancestors, to whom the same property formerly belonged, supported himself and his family for many years upon the fruits of the spoils which he obtained from the forest. He had two small cows depastured there in the summer, for which he provided a little hay from the land around his cottage; his fuel he obtained from the neighbouring woods; and his food was in a great measure supplied by his successful attacks upon the deer and game, with which they also abounded. His strength and activity was more than a match for any single keeper; and his company so agreeable, that the under-keepers themselves found it irresistible, whenever they chanced to meet him in an ale-house. Often would he engage

²⁰¹ The spot where he engaged the keepers is called "Wilmore Fought," and the bog where he was lost was called "Wilmore Drowning." After the inclosure the latter was drained, and the situation of it is now scarcely visible.

them in drinking at such places, and when he saw a convenient opportunity, he would steal away from his unsuspecting companions, to kill a buck or doe in the recesses of the forest. A screw-barrelled gun was always his companion upon these occasions, the greater part of which was concealed within the lining of his coat ; a dog was also taken with him, the diminutive size of which was supposed to render it harmless, but this little creature had been so well trained by its master, that upon it in a great measure depended the success of his expedition. Thus attended, he used to ascend a tree on the border of one of the small plains, with which the forest abounded ; and by a well-known signal, his dog would ramble about until it met with a herd of deer ; the instant it had attracted their attention, this cunning animal would run away, apparently in great alarm, and the finest bucks, together with a principal part of the herd, soon joined in the chase after so insignificant an intruder. When it had thus amused them for a short time, it would skulk off to the tree in which it knew its master to be fixed, and would take its stand just below it, whilst the deer stood at a short distance from it, gazing with unsuspecting curiosity. This was the moment that Wilmore seized upon, to mark the fattest buck ; his aim was certain ; the devoted prize was soon secured ; his faithful dog immediately ran home, and he then ascended the tree again, in which he staid till dusk, watching his prey ; at night he would take it home, and conceal it in a part of his cottage which he had formed on purpose, and with such skill, that whenever his house was searched, this secret chamber was

always overlooked. The next day a ready customer was sure to be found amongst the richer yeomen, with whom he was acquainted. He had carried on a lucrative trade of this kind for some years, when one evening, in the month of September, he was detected in the act of killing a deer, almost within view of Byrkley Lodge, where the woodmote courts were then held, and the chief forester occasionally resided; four under-keepers suddenly rushed upon him; he sprang from their grasp and dashed through Lint Brook, which was then swollen from the effects of a thunder-storm; but the treacherous bank on the opposite side gave way beneath his weight; he fell, and before he could recover himself two of his assailants had reached the spot; one of them he laid senseless by a blow from the stock of his gun; with the other he had a long and severe struggle; but after receiving and returning some dangerous blows, he succeeded in escaping up the steep woody bank which rose to a considerable height above the brook in this place, and directed his steps homewards as expeditiously as his wounds would permit him. In the direction he went, there was a deep bog, over which he was obliged to pass, unless he had taken a more circuitous route, which might have exposed him to the other keepers who were still in pursuit; and he therefore ventured to cross over the quaking ground, an attempt he had often succeeded in before. The setting sun was illuminating with its departing rays the windows of his cottage, which was full in sight; his thoughts were already fixed upon his secret chamber, as a proper place in which to conceal himself from the

vigilance of his pursuers; although bruised and dispirited he was still anxiously anticipating an escape from present danger, and greater success upon future occasions, when suddenly he missed his footing, fell headlong into the liquid mass, and sank to rise no more.

We will now revert to that period of our history, from whence we have digressed; and having already noticed a survey made in the reign of Philip and Mary, our attention will next be called to another taken by virtue of a commission from Queen Elizabeth, in the first year of her reign, which was granted to William Humberston, surveyor of the Duchy of Lancaster in the northern parts, and John Harward, deputy receiver. It was intended to have comprised within this survey all the castles, lordships, manors, lands, tenements, and hereditaments, belonging to her majesty in right of her duchy within the counties of Stafford, Leicester, Derby, and Warwick; but for some cause which I cannot ascertain, the plan was never completed. As far as it goes, however, the information it contains is very valuable, and I shall consequently make copious extracts from it. After giving a short account of the descent of the honor of Tutbury from the conquest, it proceeds to state, that "The castle, sometime the lord's habitation and capital mansion, is situated very stately within a park, on the north side of the town of Tutbury, upon the height of a round rock of alabaster, and inclosed for the most part with a stone wall embattled, whereupon may be seen all the lordships and manors appertaining to the honor in the counties of Stafford, Derby, and Leices-

ter, very delightfully situated both for pleasure and profit; for as the river Dove from Uttoxeter to the river Trent divides the counties of Stafford and Derby, so did it also at the beginning divide Champain³⁰² and Wood Land; that on the one side of the water, in the county of Derby, being all champain and very good and beneficial for meadows, pastures, and corn, extending from Tutbury to the Peak, in distance twenty miles; and all the Peak is high and moor lands, yet parcel of the said honor, good sheep pasture, and large wastes; and on the other side of the river, in the county of Stafford, for the most part it was all wood land, as appears probable from divers ancient grants, made from the Lords Ferrers, sometime Earls of Derby, in the reigns of Richard the First, King John, and the beginning of Henry the Third; but it is now by mens' industry converted into tillage and pasture. The manors of Rolleston, Tattenhill, Barton, Dunstall, Hanbury, Agardsley, and Uttoxeter had not such large bounds as now they have; for the hamlet of Callingwood within Barton, was granted out of the forest of Needwood at several times, to one of the Earl Ferrers' servants; the hamlet of Hoarcross, now in Agardsley, to others; and the most part of Agardsley was taken out of the said forest by the said earls' grants to tenants by copy, under the name of Mattocks Lands; the hamlets of Fauld, Moreton, Draycot, Coton, Houndhill, Stubby Lane, Woodlands, and Thorney-hills, now within Marchington, were granted to divers gentlemen, that served the

³⁰² Flat plains.

said earls, out of the same forest, by several services ; so that it may be conceived, that at the first entry of Earl Robert, son of Henry the founder of Tutbury Priory, the towns and villages of Rolleston, Barton, Dunstall, Marchington, and Uttoxeter, were taken as his demesnes of the castle, and parts of them were granted, as it should seem, to his bondmen, for no freemen would take land with such villainous²⁰³ customs, as are found in the ancient records at Tutbury, called the Coucher, made in the second year of Henry the Fifth, which the tenants were bound to observe and perform ; and yet he reserved in every one of the said manors, a certain quantity in demesne of arable and meadow land, and the bond tenants were by the tenure of their lands, to mow the grass in the meadows, make the hay, and carry it into the castle ; and as to the arable land, they were to plough, sow, harrow, mow, and reap it, and to carry the produce either to the lord's manor-house, or to the castle at their own costs and charges. They were also bound to divers customs, services, and carriages, which at the making of the old Coucher were reduced into annual rents, until the king's majesty, or the lords of the honor should come to reside at the castle again ; and these bond tenants held their lands by several names of a different nature : those of Rolleston, Barton, and Dunstall passed by the name of yard-lands, Marchington of oxgangs of land, and Uttoxeter of a tenement and certain acres of land ; every yard-land contained twenty-four acres, and every oxgang eight acres, and

²⁰³ Servile customs.

the rents were certain; but since that time the lands are so alienated, that some yard-lands have only ten acres, and others thirty or forty, and some oxgangs five or six acres, and others twelve or fourteen, and yet the rent continues the same; for he that for his yard-land or oxgang has but half the contents of his land, pays the whole rent, and he that has double as much, pays no more."

In that part of this survey, which relates to the forest of Needwood, the commissioners report that the forest is by estimation twenty-three miles and a half in compass; that there were in it seven thousand, eight hundred, and sixty-nine acres and a half of very forest-like ground, thinly set with old oaks and timber trees, but well replenished with coverts of underwood and thorns, that might be copiced in various parts thereof for the increase of timber, which of late years had been much damaged and fallen into decay. The forest was then divided into *four* wards, that of Uttoxeter having been disafforested, and the deer in it destroyed; but there was better timber, and a greater quantity of it in Uttoxeter ward at that time than in any other.

Tutbury ward is thus bounded: commencing at Tatenhill Gate, and proceeding westward along the way called Aylewardsly to Byrkley Lodge; from thence westward, as the same way directs to Hoarcross Gate; and then returning northward up Meer Brook to Hanbury Park pales; and from thence eastward along the pales of that park, the closes of John Barwarre, Esq. called Newton's, and the pales of Castle Hay Park to Belmont Gate, and then returning

towards the south and east, as the borders are marked out by the pales of Stockley Park, the two closes called Lawrence Hay and the Riddings unto Callingwood Gate, and from thence by the borders of the lands of Callingwood, Knightley Hall, and Rodlow to Tatenhill Gate, including a space of two thousand seven hundred and seventy-five acres, within which were several parts well set with underwood and thorns.

The bounds of Barton Ward begin at Tatenhill Gate, and proceed southward to the park of Highlands; from thence by the closes of Bridesall, Dunstall, Barton, the park of Barton, the closes of William Mynors of Blakenall, and so to Hoarcross; from thence to Lint Brook, as the brook directs, to Byrkley Lodge, and from thence, as the highway called Aylewardsly directs, to Tatenhill Gate. It contains one thousand one hundred and ninety-five acres, three roods and a half, and half a pole, in which compass are many parts well set with underwood and thorns, that might be cut down and copiced to great public advantage.

The limits of Yoxall Ward begin at Byrkley Lodge, and go westward, as the way called Aylewardsly directs, to Hoarcross Gate; and from thence returning south and east, as the closes of the manors of Agardsley, Hoarcross, and Yoxall direct, to the brook called Lint Brook; and from thence returning northward, as the same brook directs, to Byrkley Lodge. There are one thousand nine hundred and sixty-six acres, three roods, and eight poles within these limits, thinly set with underwood and thorns, that might be fallen and copiced.

The boundaries of Marchington Ward extend from Hoarcross Gate northwards, along the brook called Meer Brook²⁰⁴ to Hanbury Park, and along the pales of that park to the queen's lands in Hanbury in the tenure of one Foster; and returning from thence sometimes westward and sometimes northward, as the closes of the manor of Hanbury, Woodend, Draycot, Stubby Lane, and Marchington direct, to a place called Brown's Hyrne; and then returning southward, as the closes of Thomas Kinnersley, the closes of the queen's majesty, called Thornyhills and the Sale, direct, to Agardsley park pale, and following the park pale to the closes of the manor of Agardsley, and following the borders of these closes to the place where they begin. These boundaries encircle a space of one thousand nine hundred and thirty-two acres; but nothing is said in the survey of the timber or under-wood growing thereon.

“ Within Needwood forest were ten parks, but Rowley Park has been granted by Henry the Eighth to Chief Justice Fitzherbert and his heirs; the other nine parks have been anciently let for agistments to the tenants, or granted to farm to persons who would let them out in agistment reasonably to the tenants of the honor, for otherwise they would not be able to pay their rents. The town of Tutbury, the manors of Rolleston, Barton, and Marchington, consist much of tillage, and have not sufficient meadow or pasture to keep milch cows for the maintenance of their families, or oxen to plough their lands, and were ac-

²⁰⁴ Now called Marebrook.

customed to have their cattle for that purpose depastured in the parks for 1s. 6d. or 1s. 8d. a head, from the first holyrood-day to the last holyrood-day; and then there was plenty of game and grass in every park, but since they are much decayed.

“ *The Castle Park* is that in which the castle stands. It is in circuit one mile, and contains sixty-seven acres and a rood, of which forty acres are good meadow, and the rest very beautiful pasture; it will bear one hundred and forty deer, and sufficient herbage to make the king's rent: at present there are only thirty deer there; it contains no covert, except the cliff, upon which the castle stands. The keeper thereof is appointed by the king's letters patent under the duchy seal; his fee is £4. a year, with the grazing of one horse and six beasts for himself, and one horse and two beasts for his deputy.

“ *Rolleston Park* is within the precinct of the manor of Rolleston, and within the ward of Tutbury, within half a mile of the castle, and in circuit two miles; it contains two hundred and twenty-eight acres and three roods, six acres of which are marshy and overgrown with alders, but the rest of it is very good pasture; the king's rent is £5. 6s. 8d. annually. There are in it at present one hundred and twenty deer; there is no covert in all the ground, except the six acres and a half of alders, and the rest is well planted with old oaks and some timber, to the number of one thousand and forty, but no sale can be conveniently made of them, because it cannot be copiced, and indeed if it could the trees are so old, that the spring³⁰⁶

³⁰⁶ Sprouts from the old stools.

would not increase. The keeper is appointed by letters patent under the duchy seal, at a fee of £4. yearly; the lodge is rent free, one horse grass for himself, and two for his deputy.

“*Stockley Park*, situated as Rolleston, within a mile of Tutbury castle, in circuit two miles, contains two hundred and eighty acres and a rood, of which there are two acres of meadow, ten acres of marsh overgrown with alders, and the rest hard pasture, mostly overgrown with fern and thorns, and some hazel and other kinds of underwoods; the king's rent is £3. 2s. 8d. per annum: it is a park-like ground, and full of covert, well planted with old dotard oaks to the number of one thousand four hundred, but few of them timber; this place is naturally fit for increase of wood. The keeper's fee is £4. yearly, and the lodge rent free, grass for one horse, and four beasts for himself and deputy.

“*Castle Hay Park*, situated as the former, within a mile of the castle, is in circuit three miles and a half, and contains seven hundred and forty-nine acres, twelve of which are meadow, and the rest good pasture, for the most part shaded with oak trees, to the number of five thousand five hundred, of these four hundred are young, and the remainder chiefly old dotard oaks; the king's rent is £7. 6s. 8d. but it is now disparked for the queen's use.

“*Hanbury Park* is within the precincts of Hanbury parish, and in Tutbury ward, within two miles of the castle; the circuit of it is two miles and a half, and it contains two hundred and ninety-seven acres, whereof sixteen are marsh overgrown with alders, two acres

meadow, and the rest good pasture, but partly overgrown with fern and bushes, with one thousand old dotard oaks, and partly timber. It is likewise dis-
parked for the queen's use.

" *Barton Park*, within the precinct of the manor of Barton, and within the ward of Barton; four miles from Tutbury; is in circuit a mile and a half, containing one hundred and fifty-eight acres, of which ten and a half are meadow, the rest good pasture, partly overgrown with fern; the rent £2. 13s. 4d.

" *Shireholt Park*, within the precinct and ward of the manor of Barton; three miles and a half from the castle; is in circuit one mile, containing seventy-one acres, all of good pasture; the king's rent is £1. 6s. 8d. there are no trees nor covert.

" *Highlands Park* is within the precinct and ward of the manor aforesaid; three miles and a half from the castle; in circuit three miles, containing three hundred and forty-nine acres and three roods, whereof thirty are good pasture, the rest overgrown with under-wood and bushes; the rent £3. 6s. 8d.

" *Agardsley Park*, within the precinct of the manor of Agardsley, and in Marchington ward; three miles from the castle, and in circuit two miles; contains two hundred and seventy-seven acres, of which six acres are meadow, and the rest good pasture. The number of all the timber trees within the parks of Needwood are three thousand five hundred and six, and the number of dottrell trees within the said parks twelve thousand eight hundred and forty-one."

After giving an account of the rights of common in Needwood, and particularly specifying the burgage

houses and lands in Tutbury, with the names of the tenants, this survey then proceeds to state, that "the burgesses of Tutbury hold one common oven, situate in the town near the High Cross and opposite to the Town Hall, now in decay, which the said burgesses hold freely to themselves and their heirs by grant of Lord Ferrers, and the said burgesses by agreement shall repair, sustain, and maintain the same, upon payment of a yearly rent of 24s."

The bailiff of the tolls of the markets and fairs, was then only answerable for the sum of 8s. 4d. annually, on account of the *decay* of the said markets.²⁰⁶ He was also answerable for the baron toll, amounting to £4. 18s. 4d.

"Sir William Gresley, Knight, holds the manor of Drakelow, in the county of Derby, with all lands and tenements belonging thereto freely by charter in free soccage, and pays from thence every year at the feast of Michaelmas a bow, a quiver, and twelve barbed arrows, or a composition in money to the amount of 1s. 6d. He also holds one tenement, with garden, orchard, and eight closes of land appertaining thereto, called the Woodhouses, formerly parcel of the lands and possessions of William Ridware, and afterwards of Robert Shingles, freely by charter in free soccage, by service due at the court of the honor of Tutbury. He also holds another tenement at the Woodhouses, formerly Robert Philipson Browne's, and afterwards John Lathbury's, freely by charter, by the service of

²⁰⁶ This and other statements in the survey fully prove what has been asserted before, that Tutbury became in a great measure depopulated after its lords had deserted the castle.

making and repairing the wooden vessels within the castle of Tutbury at his own proper cost. He also held Highfield and Overflat, which were formerly John Lathbury's, freely by charter in free soccage, by service of suit to the court of Tutbury, and upon payment of 1s. 6d. yearly. Longcroft and other closes there mentioned, which had also been John Lathbury's, he also held by similar tenure and service, upon an annual payment of 2s. Humphrey Wells, Esq., holds two parcels of meadow near the Obholme, and other lands formerly Henry Davy's, freely by charter in free soccage, by service at Tutbury court and payment of 3s. 5½d. a year, and also other lands, formerly Thomas Orchard's, and before him Richard Isak's, by a like tenure. Edward Maureward holds the Bushhouses (now Bushton) formerly John at Mylne's, by a like tenure and payment of 4s. 6d. a year. Thomas Dayntrey holds Priorsholm by a similar tenure and payment of 2d. Thomas Wetton holds three acres of inclosed land near the way from Tutbury to Rolleston, formerly Thomas Quernby's, by service of suit at the honor court, and rendering six barbed arrows at the feast of Michaelmas yearly, or paying in lieu thereof 3d."

Humphrey Wells, Esq., Thomas Wetton, William Wynne, Richard Harley, John Cawood, and Thomas Gray, held lands within the manor of Tutbury, by copy of court roll and certain rents.

Hugo Marshall, John Harwarr, Esq., and Edward Littleton, Esq., also held lands here for a term of years at certain rents therein expressed.

George Younge held the *two water corn-mills under*

one roof, with lands adjoining, for a term of years, upon a rent of £7. 1*s.* annually.³⁰⁷

“The minstrels, coming to the town of Tutbury at the feast of the Assumption of the blessed Virgin, have by ancient custom a bull to run, and pasture for their horses in a certain meadow, called Hallywell Meadow, from the twelfth hour of the vigil of the Assumption, to the day after the said feast at the same hour, viz. for two days and two nights, for which they pay yearly 1*s.* 8*d.*”

The manor of Rolleston is stated in this survey to be within one mile of the castle of Tutbury, and to be inhabited by divers honest men; the freeholders there hold their lands by such services, and the payment of such several rents, as appear in this rental, and if any of them die holding lands of the said manor by soccage, his best weapon must be delivered up to the lord by custom of the manor, as a heriot, over and above the relief of his rent. The copyholders of this manor are twenty-eight in number; they occupy Reve's places, and have an estate of inheritance according to the custom of the manor; in ancient times they were bondmen, but the customs which they anciently were bound to perform are decayed. Subsequently to these remarks the customs then in use are fully set forth, and afterwards a full survey of all the lands in the manor of Rolleston. William Rolleston, Esq., was the largest freeholder within it; he held the capital mansion called Rolleston Hall, in which he dwelt, together with other tenements, and two hundred and ten acres

³⁰⁷ The same mills are mentioned in the Coucher of Henry the Fifth, as then producing a rent of £16. 13*s.* 4*d.* annually.

of land, by knights service; another messuage, near the church-yard, with thirty-nine acres of land in soccage, by the payment of 20s. yearly; several tenements, with fifty acres of land belonging to them, upon a similar tenure and rent, with about fifty acres more by copy.

Thomas Busby, Gentleman, William Bett, Richard Astell, and other tenants of Ansley, held a quantity of land within this manor, divided into three parts, lying near the park of Stockley, called the Riddings, containing by estimation ninety acres; and Rowland Rugeley, Esq., held a messuage, with five closes of land adjoining thereto, at the Riddings, in the manor of Rolleston, near to Needwood forest, which he had purchased from Clement Agard, Gentleman.²⁰⁸ In the fourth year of Queen Elizabeth's reign, John Shepherd, and the other customary tenants of Rolleston, had a dispute with the inhabitants of Egginton, as to their right of common in Egginton Fields, on the west side of the river Dove.²⁰⁹ The parochial situation of these common meadows was very ill defined formerly, and they consequently became a sort of debatable ground, and a fertile source of litigation, between neighbouring townships. This was the case in the present instance; and the tenants of Rolleston pleaded the heavy losses incurred upon this dispute, as a justification for having ploughed up the wastes within that manor, which belonged to the queen in right of her duchy. By virtue of a commission out of

²⁰⁸ Humberston's Survey of Tutbury and Rolleston in the Duchy Office.

²⁰⁹ See Pleadings in the Duchy Court, temp. Elizabeth.

the duchy chamber, bearing date the 19th day of May, 27th of Elizabeth, directed to Humphrey Ferrers and William Agard, Esquires, and George Abell, Gentleman, to inquire into the conduct of these inhabitants, and the reason why the Alder Moor, within the manor of Rolleston, should have been encroached upon and detained from the queen's Majesty ; it was alleged by the tenants and inhabitants of Rolleston, that the Alder Moor was a piece of common ground, and had been so used time out of mind, until about twenty years before, when the said inhabitants having had several suits in the duchy court for the defence of their commons and liberties, with the town of Eggington, were obliged, on account of their poverty, to inclose the same piece of ground from May-day to Michaelmas for three successive years, to defray the charges of these suits.²¹⁰

A similar dispute took place some time after between the inhabitants of Rolleston and Marston-upon-Dove, as to the boundaries of their respective townships ; in consequence of which a commission was directed to Sir Humphrey Ferrers, Knight, John Harpur, Ralph Sacheverel, Esquires, and William Gilbert, Gentleman, requiring them to settle and adjust the same ; and on the 18th of April, 1592, it was awarded by these commissioners, " that the freeholders and inhabitants of Marston-upon-Dove, should have and enjoy to their own proper use for ever, all the nether part of a field called Marston Field, lying between the river Dove on the north part

²¹⁰ MSS. in Duchy Office.

and the river called the Fleam on the south part, from the headland which shooteth from the river Dove southward, to a pit called the Withy Pit, and so from thence all eastward, lying between the rivers before mentioned, containing by estimation seventy acres, without any claim of common by any of the freehold or other tenants and inhabitants of Rolleston, upon condition that neither the Countess of Shrewsbury, nor Henry Cavendish, Esq., nor any freeholders within Marston, nor any of their heirs or assigns, should inclose any more of Marston Field, wherein the inhabitants of Rolleston had been used to have intercommonage; and upon further condition, that a certain quantity of the said nether part of Marston field was to accrue and belong in future to William Rolleston, Esq. and his heirs; the said William Rolleston having agreed to give up all right of common in other open fields in Rolleston therein mentioned.

It has been before noticed, that the farmers of the herbage in the royal parks adjoining Needwood, had of late years very much increased the rate of agistment for the cattle of the tenants of the neighbouring lands: the grievance about this time became so intolerable, that the latter determined, if possible, to render themselves independent of such a precarious mode of depasturing; and in pursuance of this determination the inhabitants of Rolleston, in the twenty-first year of the reign of Elizabeth, inclosed and brought into pasture one hundred acres, being nearly one-fifth part of the total quantity of common field land within that lordship; and they agreed to pay the additional rent

of one penny a year for each acre so inclosed. A material improvement soon became apparent in the quality of the lands thus appropriated, and the consequent advantages which the tenants derived therefrom led to a further inclosure, in the twelfth year of the next reign, of six acres out of every twenty of the remaining common fields. Thus the extortionate demands made by the herbaggers of the parks, which it was supposed by the tenants at that time would tend to their "utter undoing," ultimately proved one of the greatest blessings which could have been conferred upon them, inasmuch as it stimulated their industry, and obliged them to pursue an improved course of husbandry to what they had previously been accustomed; under this better system they found that they could support more cattle, and obtain more corn from a given quantity of land than heretofore, and the sure produce of their dairies, which now became their principal object, more than counterbalanced the risk attending the culture of their grain. In addition to these benefits the face of the country was much improved by the alteration; the bleak aspect of open fields was exchanged for the comforts and warmth of surrounding hedges, and the trees which grew therein not only beautified the scenery, but afforded fuel and timber to the tenants without their having recourse, as formerly, to furtive depredations on the forest.

A variety of other instances might be mentioned of similar inclosures being made within the honor of Tutbury about this period; but we must now hasten to the more interesting recital of those important

events with which the castle was connected during the reign of Elizabeth.

It was on the 17th of May, 1568, that Mary, Queen of Scots, having escaped the vengeance of her own subjects, took refuge in England; she was conveyed in an open fishing-boat, by Lord Herries and a few other attendants, from Kirkcudbright to Workington in Cumberland, and soon afterwards came to Carlisle. A messenger was despatched upon her arrival to Queen Elizabeth, informing her of the circumstances under which she sought her protection, and requesting an early interview that she might explain her conduct more fully; but that cautious princess refused to admit her to her presence until she could acquit herself of the suspicion of being implicated in the murder of her husband. Mary undertook to satisfy herself upon that point, and sent off Lord Herries to London with a letter to that effect. The treatment she met with at Carlisle was kind, and in a letter to the Laird of Rowellan a Muir,²¹¹ dated the 10th of June this year, she thus expresses herself: "As to all our proceedings here ye shall be assured, that we are marvelously well treated with sic freedom as hunting, and all other pastimes as we list." But these halcyon days were not to last long: Queen Elizabeth determined, by the advice of her council, to detain her as a prisoner, until the charges brought against her by her enemies could be satisfactorily disposed of; and the Scotch Queen was accordingly conveyed to Bolton Castle in Yorkshire,

²¹¹ This and other letters to the same person have been kindly given to me by Godfrey Meynell, Esq., of Langley Meynell, Co., Derby.

which then belonged to Lord Scrope. This policy, although contrary to the dictates of humanity and the laws of hospitality, appears to have been justified in the opinion of Elizabeth and her advisers, by the certainty of thus having in their power a dangerous rival, whose pretensions to the crown of England were, in the eyes of her Roman Catholic subjects, even better than her own. The intrigues of the Duke of Norfolk were already suspected, and the near connexion which subsisted between that nobleman and Lord Scrope, soon induced Elizabeth to remove the unfortunate object of her jealousy into safer custody; accordingly she was taken from Bolton towards the end of the following January, and brought to the castle of Tutbury, where she was placed under the care of the Earl of Shrewsbury.

During her journey to this place she wrote the following letter to the Laird of Rowellan a Muir:

“Traist friend,

“We grete you weell. Understanding your diligence and gude will to the setting fordwart of our affaires and authority, we ar maist verrifuit²¹² of the samen, and prayis you to continue in your gude proceedingis. We maye not wryte our mynd to you at this present sa amplie as we wald do for dyvers weighty considerations, and specially because our wrytingis ar commonly tane be the waye; but that ye hald yourselfis togidder in reddines, behalding the dole²¹³ of Murrays doingis, guha, as we heir, will not use extremities so haistely. And gif he does, then spair na thing nauthir for feir nor fair promisis,

²¹² Most verified, most assured.

²¹³ Dole, grievousness.

ffor gif he beginis tak noticing of him allwayis, that ye sall not neid to be affrayit at his boast, but begin nor thoel¹¹⁴ na thing. But in twa dayis we sall depesche our lovit servitor, the laird of Gaillie, towart you with other particularis, and be him ye sall be resolvit of all doubts to your contentment, to quhom ye sall credeit. Albeit we be transported to Tutbury ye sall tak na feir thairof. Our Cousing, the Duc of Chastrelorault,¹¹⁵ has tane his lief alreddy from the court, and is on his voyage to be with you shortly: sica commitis you to the protection of God Almighty, the penult of Januare, 1568.

"Your gude friend,

"MARIE R."

Mary's education had been principally confined to the acquirement of foreign literature, and we have strong proofs in the above letter, that she had nearly forgotten her native tongue during her residence at the French court; her correspondence and conversation were in general carried on in French, but she found many of her faithful adherents in Scotland (amongst them perhaps the Laird of Rowellan a Muir) totally unacquainted with that language, and she was, therefore, under the necessity of writing in an idiom more familiar to them, but less so to herself. This letter has never been published before, and may well be considered in our day a literary curiosity; I have referred to other letters addressed by her in a similar language to the same person, but as none of them are so intelligible as the present, I forbear to give them at full length.

¹¹⁴ Thole, suffer or endure.

¹¹⁵ The Duke of Chatelrault, also Duke of Hamilton.

Due preparations were made for her reception ; the Countess of Shrewsbury went forward to Tutbury to superintend the arrangements, and many articles of furniture were sent off from London to decorate the apartments which were to be appropriated to her use. The following list exhibits a curious specimen of the style of furniture used in those days :

“ 20th January, 11th of Queen Elizabeth, wardrobe stuff sent to Tutbury castell, by Rafe Rowlandson, groom of the removing wardrobe of balls, for service of the Scottish queen.

“ From the Tower. Six peeces of tapistry hangings, of the history of the passion, lyned with canvas. Six peeces of tapistry hangings, of the story of ladyes, lyned with canvas. Seven peeces of hangings of tapistry, of the story of Hercules, lyned. Fowre great carpets, of Turkey making. Fowre beds and bolsters of tyke, filled with fethers. Fowre counterpoints of verdure, lyned with canvas. Fowre payre of fustians. Three chaires, of crimsin clothe of gold. Eight cushins of clothe of gold. Towe stooles, the seats embroidered with clothe of gold upon crimsin sattin. Three foote stooles covered with tissue. Towe bare hydes of oxe leather, to cover carts. One standard.

“ From the Removing Wardrobe. Twelve small carpets of Turkey making. One fynare stoole covered with tissue.

“ From the great Wardrobe. Towe payre of sheetes, of fyne Hollaud clothe. Towe payre of pillow beeges of assay, of lyke Holland. Eight payre of pallet sheetes, of coarse Holland. Towe cart canvasses of seven bredthes of canvas. Towe thousand hookes, one

thousand crockets, towe hammers, one bolt of cords to trusse beds, towe clothe sacks, and one case of leather for a bedstead."

The Scotch queen upon her arrival appears to have found no fault with the accommodations provided for her; the Countess of Shrewsbury was an intelligent companion; and although she could not help feeling that her motions were somewhat too rigidly watched by her, yet the agreeableness of her society tended much to relieve the tediousness of captivity. A few days after her arrival Mary addressed a letter to Queen Elizabeth, a literal translation of which from the original French²¹⁶ is here given :

"Madam, my good Sister,

"I have heard by the Bishop of Ross and my Lord Herries, the kind affection with which you have proceeded together with them in all my affairs, a thing no less consolatory to me, than to be expected from your good disposition. Especially having understood from them, that it was still your good pleasure that I should be treated with such honourable respect and gracious behaviour as I have received since I came to Bolton, from Mr. Knollys and my Lord Scrope, of whom I cannot do less than testify to you the diligence and great affection with which they performed all your orders, and the occasion which I have to praise their honourable conduct towards myself, up to the time of being brought hither, the manner of which I cannot conceal from you, appeared to me severe; concerning this, however, that I may not fatigue you, I am silent, except so far as to inform you, that you were pleased at Bolton to allow me not only a certain number of attendants, with whom according to your wish I am content for

²¹⁶ MSS. in the Cottonian Library in the British Museum. Caligula, c. i. p. 292.

my present service; but also some others, who could with a passport from the guardian and commissioners, under whose charge you have placed me, pass and repass between me and Scotland, or between me and you, whenever I have any thing to represent to you, which liberty I wish to have renewed by you to my said commissioners; and I informed my Lord the Earl of Shrewsbury and Mr. Knollys of it, who say, that they have not received such a commission from you; so they have refused to send any one to you, until I shall have shown them your letter which makes mention of some resolution required upon these points, proposed by my commissioners, whom they have ordered to depart without delay according to their passports, with a declaration that they should have no access to me except in their presence without your express commands. Upon which I requested Mr. Knollys to remonstrate with you, and also to inform you of other little requisites, at the same time declaring my good wishes towards you, with which I send the bearer to bring me back your directions when you are made acquainted with what I want, as mentioned in my memorial, addressed to the Earl of Leicester and Mr. Cecil, entreating that your pleasure may be fully ascertained by me upon all these points, and that you will give your orders to the Earl of Shrewsbury, as to what you would wish him to do; and inasmuch as Mr. Knollys has promised to show you my memorial and the requests addressed to your two counsellors above-mentioned, I will not importune you at present with the particulars, but refer you to that memorial and to Mr. Knollys's statement.

"As to what you are pleased to notice in your letter, that you think it strange my commissioners have not condescended to answer the special charges;²¹⁷ after having heard their rea-

²¹⁷ When the Earl of Murray accused the Queen of Scots before the commissioners appointed to enter into the inquiry of a participation and consent in the murder of the king her husband, the Bishop of Ross, Lord Herries, and the other commissioners appointed by Mary, absolutely refused to return any answer. — *Hume's Hist. of England.*

sons, I have advised that one of them should return into Scotland, and propose to others of my council and nobles, to send some new commission, with power to confer without scruple upon these special charges, as we shall consider most agreeable to you and to our honour and the preservation of our state, upon which neither they nor I can enter without their consenting anew to those things which shall happen, since they doubt the power of my actions on account of my being detained, as they allege. I assure you I should greatly desire to know your good pleasure respecting my advancement. One thing I much request, that you would not permit there to be proposed any more such civil intentions and advantageous offers for me, as those to which the Bishop of Ross has been advised to attend;²¹⁸ for as I entreated Mr. Knollys to testify to you, I have made a solemn vow to God, never to descend from the place to which God has called me, so long as I can perceive my strength sufficient for this end, and I thank him that I find it increased with a desire to acquit myself better than ever, and with more confidence acquired by time and experience; praying you in every other thing which does not affect my honour and state, to be assured that after God I desire only to please you: if I could dare to remind you how nearly related I am to you, and that I am ready to offer myself upon more intimate terms than I can in the state I now am, I would say, that it is my whole desire, subject nevertheless to the advice of my council on receiving an answer from you, to make you every possible offer to obtain your favour, which I willingly declare I will never risk the loss of, if I can acquire it. As to all other things which concern me, I will reserve them in my memory, that I may not trouble you farther than to say, that as to the reply²¹⁹ you desire of me, I am ready when you shall be pleased

²¹⁸ The proposal here alluded to was, that Mary should resign all right to the crown of Scotland in favour of her son, upon receiving a competent annuity.

²¹⁹ Queen Elizabeth had declined a personal conference with Mary, but requested her to send a reply to these charges by a per-

to admit me into your presence, to explain all to you, and to prove the falsehood and calumny of these charges and my innocence, which God will manifest, as my hope is in him. To whom I will ever pray, that he would long grant you good health and a happy life.—From Tutbury, this 10th of February.

“I have just heard, Madam, that my cousin, the Duke of Chatelrault, notwithstanding your passport, has been arrested, but I assure you that he has not committed any offence; which induces me to request your consideration of his case, and the long time he has been detained without a passport by your commands, and that you would direct him to be permitted to pass beyond the seas. Be pleased to excuse my having written this so badly, for this damp and uninhabited house has given me a cold and headache.

“Your very affectionate good

“Sister and Cousin,

“MARIE R.”

The above letter will be rendered more intelligible by a few remarks upon the political events, which had taken place since the Queen of Scots had entered the English territories. Soon after her arrival, Lord Scrope and Mr. Knollys, the vice-chamberlain of Queen Elizabeth, were directed to attend her at Carlisle, where they informed her, that she could not have a personal interview, according to her request, with Elizabeth, until she had cleared herself from the imputation of being concerned in the murder of Darnley, her husband. Upon hearing this she declared, that

son she could trust, or deliver it to some English nobleman to be named by Elizabeth. — *Hume's History of England.*

she was willing to justify herself from all the charges, which her enemies could bring against her, and would leave her cause to the arbitration of the Queen of England. The Bishop of Ross, the Lords Herries, Levingstone, and Boyd, were accordingly nominated by Mary, to appear on her behalf; the Earl of Murray, Regent of Scotland, the Earl of Morton, the Bishop of Orkney, Lord Lindsey, and the Abbot of Dumferling, appeared on behalf of her opponents; and the Duke of Norfolk, the Earl of Sussex, and Sir Ralph Sadler, were appointed commissioners by Queen Elizabeth, to hear the arguments used by both parties, at the city of York, which was fixed upon as a proper place for this inquiry to be held at.

The Duke of Norfolk secretly favoured the cause of the Scotch queen, and used his utmost endeavours to dissuade the regent Murray from bringing forward his accusations against her: of this partiality Queen Elizabeth soon received private information, and in consequence of it directed the conference to be adjourned from York to Hampton Court, where she immediately added Sir Nicholas Bacon, Lord Clinton, and Sir William Cecil to the English commission. In the meantime Mary had been removed from Carlisle to Bolton Castle in Yorkshire, and began to think the state of seclusion, in which she was detained, no longer tolerable; such of her subjects as still adhered to her cause, were industrious in circulating the most false reports of the severity with which she was treated, and the origin of these reports had been traced to Mary herself, whose letters to Elizabeth expressed the obligations she felt for the kindness she experienced,

whilst those addressed to her partisans in Scotland teemed with complaints of that queen's harsh conduct towards her, and were filled with terms of the most bitter reproach. This duplicity was easily detected, and, in consequence of Elizabeth's displeasure, her liberty was abridged upon her being sent from Bolton to Tutbury Castle. In the continuation of the conference at Hampton Court, Murray at length proceeded to charge the Queen of Scots with being an accomplice in her husband's murder, and various amatory letters addressed by her to Bothwell previous to that event, were produced in confirmation of this charge; Mary's commissioners attempted by every subterfuge to avoid giving any answer to it, and at length positively refused to do so; Mary herself was then requested to send her reply by any person whom she could trust, or to deliver it to such English nobleman as Queen Elizabeth should appoint. She met this request by demanding a personal interview; a demand that had been denied her upon her first arrival, and she must expect was less likely to be granted now that these criminal imputations were strengthened by the evidences, which she could not refute. During these conferences the Duke of Chatelrault had arrived in London on his way from France, and was very anxious to proceed to Scotland during Murray's absence, that he might supplant him in the regency of that kingdom; but Queen Elizabeth being aware of his intentions, caused him to be detained until the Earl of Murray's return.

Some of these circumstances are alluded to in

Mary's first letter from Tutbury,²⁰ to which, after the interval of a few days, Queen Elizabeth returned this answer:

"Madam,

"We have received your letter of the 10th of this moneth by your servant, by which we find, that the Bishop of Rosse and the Lord Hereys, being of late here as your commissioners, have made good report of our affection towards you in all your affairs, wherein we are very well satisfied, that considering we went well towards you in all our actions, they have with their good report, and you with your thankfull acceptation, so well acquitted us. The like we are glad to perceive by your letter, that the Lord Scrope and our vice chamberleyn have behaved themselves towards you, for otherwise we could not have allowed them, having charge of us so to do. And for the other part of your letter containing your misliking that at your coming to Tutbury you conceived some alteration of your liberty, in that our cousin of Shrewsbury could not assure you of the like liberty to send your messengers both into Scotland and to us, as you did at Bolton, indede at his departing from us like as we did not by any speciall commandement authorise him to restrain you of that liberty, so did we not expressly allow him, for at that time we had just cause to think unkindly of you (for any worse word we will not use), in that, as we did cause you to be informed, sundry false slanderous proclamations, touching us and our honor, very unjustly had been made in Scotland by such as have names of great offices for you, and did by their writings notify that they were so commanded to do by you, beside the information that we had of your own letters to that effect; whereupon we leave it to your consideration, whether, at that time, being so unkindly used, we had cause to remem-

²⁰ Two other letters from her to Elizabeth, dated at Tutbury, on the 1st of Oct. and 6th of Nov., are preserved in the British Museum.

ber any matter to gratify you; but since trusting, that your beholding of such a great oversight hath ministered unto you grief enough, and will move you to avoid such inconvenient devises; we, having no intention to increase your mishappes, have been contented to do good against evil, and not to diminish any part of such liberty as you had at Bolton, which we mean you shall have by direction of our cousin of Shrewsbury, to whom therein, and in the rest of other matters remembered to us by our vice chamberleyn, we have given knowledge of our mind. And as for the rest of your letter, concerning the sending of some new commission, by advise of your counsell in Scotland, we wish it to be so absolutely conceaved, as it may take some good effect for yourself, wherein our furderance shall not be wanting, as far furth as with the state of your cause and our honor we may shew you good will. And so we pray you to accept this letter, wrytten by our commandment and direction, though not by our hand, wishing too your continuance of health. From our palace at Westminster, the 25th of February, 1568."

In the following spring the Queen of Scots accompanied the Earl of Shrewsbury to Wingfield Manorhouse in Derbyshire, from whence she wrote to the Laird of Rowellan a Mure. Her letter is dated on the 18th of May, 1569, and the chief information contained in it is, that Queen Elizabeth had written to the Earl of Murray to desire, that he would not trouble any of Mary's adherents in Scotland, and for further particulars as to their conduct, Mary referred him to Lord Boyd, whom she had sent off the day before to the English court, and intended upon his return from thence to dispatch into Scotland.²²¹ It was here

²²¹ The Queen of Scots wrote a letter from hence to the Laird of Barnbarrock, dated 4th of June, 1569. — See *Gentleman's Magazine* for December, 1802.

that the Duke of Norfolk took an opportunity of communicating to her proposals of marriage, which were accompanied with the following conditions: that she should attempt nothing prejudicial to Queen Elizabeth and her issue; that she should consent to a league offensive and defensive between the kingdoms of England and Scotland; that she should confirm the establishment of the Protestant religion in Scotland, and pardon such of her subjects as had rebelled against her; and that she should revoke the assignment of her right to the kingdom of England, which she had made to the Duke of Anjou, the French king's brother. To these terms, as well as to the matrimonial alliance with the duke, the Queen of Scots consented, and several English noblemen, together with the kings of France and Spain approved of the project.

In the meantime Leonard Dacres, the second son of William Lord Dacres of Gillesland, had formed a plan for conveying the captive queen from Wingfield to the borders of Scotland, and would have carried it into execution, had not the Earl of Northumberland, at the instigation of the Duke of Norfolk, prevented him. It was said, that the duke's attachment was really so sincere, that he could not bear the idea of a possibility of her being married to any one else, and that he hoped shortly to obtain Queen Elizabeth's consent to this connexion. In this expectation, however, he was grievously mistaken; for upon the circumstance being at length mentioned to the queen, she expressed great displeasure, and the duke finding his situation at court very uncomfortable in consequence of her conduct towards him, abruptly retired into Norfolk, upon his

return from whence, in the month of October, he was arrested by the queen's orders, and committed to the Tower.²²³ Soon after this a rebellion broke out in the north of England, at the head of which were the Earls of Northumberland and Westmoreland, whose chief design it was to liberate the Queen of Scots; and this was no sooner suppressed, than a second conspiracy for the like purpose was formed by Leonard Dacres.²²⁴ These unsuccessful attempts in her favour only added to the rigour of Mary's confinement: she was conveyed, towards the end of November, under a strong escort to Coventry, where she was kept in the custody of the Earls of Shrewsbury and Huntingdon for two months, after which she was brought back to Tutbury Castle.²²⁵ During her stay at Coventry no person, except such as were employed by her attendants, was permitted to have access to her, nor was she ever suffered to be seen abroad. On the 22d of January, 1569-70, we find her again at Tutbury, for she sent a letter, bearing that date, from thence to the Laird of Rowellan, but she went soon afterwards to Wingfield; and from thence during the summer of 1570 to Chatsworth.²²⁶ The severity of her imprisonment was here

²²³ Rapin's History of England.

²²⁴ Rapin's and Hume's History of England.

²²⁵ The town book of Coventry contains this memorandum: "1569. Richard Hawden, Mayor: there was a great rebellion in the north, on which account Mary Queen of Scots was removed from Tutbury to Coventry, and there kept prisoner in the custody of the Earls of Shrewsbury and Huntingdon from St. Andrew's tide till near Candlemas, the citizens being obliged to keep watch and ward by night and day.

²²⁶ Anderson's Life of Mary Queen of Scots. She was here also in 1573, 1577, 1578, and 1581, as appears by the letters in the British Museum.

somewhat relaxed; she was permitted to ride on horseback in the earl's company over the adjoining moors, and perhaps her visits to that place were attended with more real enjoyment, than any other part of her long captivity.²²⁶ For the next fourteen years she resided principally at Sheffield, occasionally visiting Chatsworth and Buxton.²²⁷ In the months of October, November, and December, 1584, she was again at Wingfield, having been placed there under the care of Sir Ralph Sadler, and on the 14th of January following, was brought back through Derby to Tutbury Castle.

During this interval the Queen of Scots had made one more attempt to regain her liberty through the interest of the Duke of Norfolk, which ended in the death of that ill-fated nobleman. She had sent a statement of her affairs to the Pope and to the King of Spain, by one Ridolpho, who was the Pope's private agent. A copy of these letters, written in cipher, was also transmitted by her to the Duke of Norfolk, who had given it to his secretary to decipher, with directions for him to burn it as soon as he had done so; but this treacherous dependent, instead of obeying his orders, deposited this and several other suspicious documents under a mat in his master's bed-chamber. Ridolpho and the Bishop of Ross used their utmost power of persuasion with the duke, to join her foreign allies in rescuing the Queen of Scots from the

²²⁶ See letter from Sir William Cecil to the Earl of Shrewsbury in Lodge's *Illustrations of British History*.

²²⁷ She was at Buxton in 1573, 1576, 1580, and 1582. — *Lodge's Illustrations*.

hands of Elizabeth; how they intended to accomplish this enterprise cannot be positively ascertained; but notwithstanding the duke's solemn promise to Queen Elizabeth, that he would never think again of an alliance with Mary, the attachment he had conceived for her was so powerful as to blind him to the necessary consequences of his folly. One of the servants of this unhappy woman, who had been sent to the continent on a special mission, was seized upon his landing at Dover, and letters for the Queen of Scots, the Spanish Ambassador, the Bishop of Ross, and the Duke of Norfolk, were found upon him. Higford, the duke's secretary, was soon afterwards arrested, who made a full discovery of the secrets, with which he had been entrusted; and he produced the papers, that he had previously hidden in his master's chamber. The duke was immediately apprehended and sent to the Tower: his house was searched, and the cipher which the Queen of Scots and he had used was there found. The Bishop of Ross was also committed to the Tower, and evidence was extorted from him, which fully proved the duke's guilt.

The alarm excited throughout England by these repeated plots against the authority and life of the queen, induced the parliament, when it met in April, 1571, to pass a very remarkable act, in which it was provided: "That if any man should attempt the personal hurt of the queen, or the depriving her of any part of her sovereignty, raise war, or stir up others to war against her; if any one should dare to give out, that another person had a juster title than she to the crown; or should say she was an heretick, schismatick,

or infidel; or should usurp her right and title during life; or should affirm the parliament has not power to settle and limit the succession to the crown; every such person should be guilty of high-treason."

On the 16th of January following the Duke of Norfolk was brought to trial, and found guilty of high-treason by a jury of twenty-five peers, but his execution was delayed on account of the hesitation of the queen; at length the House of Commons addressed her upon the subject, requiring that the sentence should be carried into immediate effect: in compliance with this requisition, he was beheaded on the second of June, 1572, and afterwards buried in the chapel of the Tower. Within ten days of the duke's death Queen Elizabeth sent Lord Delawar, Sir Ralph Sadler, Sir Thomas Bromley, and Dr. Wilson, to inform Mary, how far it had been discovered that she was implicated in these transactions, and to inquire what she could urge in her justification. She made a defence which was by no means satisfactory to Elizabeth; her proceedings were still more strictly watched, and every person removed from her, who was in any way suspected of favouring her cause. Some of the neighbouring gentry had been employed in the secret correspondence, which the duke had carried on with her; amongst others who had been detected, were Francis Rolleston, Esq., of the Lea, near Ashborne, and his son, who were accordingly convicted of conspiring to set the Queen of Scots at liberty. For several years after this no new plots were discovered, but Mary, still restless and uneasy in her confinement, was ever watchful of an opportunity to irritate and alarm

her powerful rival. In the course of the last summer she passed at Wingfield some letters were intercepted, which had been addressed to her by Francis Throckmorton, the eldest son of the Chief Justice of Chester; the perusal of these led to the development of a plot, in which the Spanish Ambassador and many of the English Catholics were concerned; the ambassador was ordered to leave the country, many opulent Catholics fled, and Throckmorton was tried and executed in July, 1584. In the midst of these disasters brought upon her friends, the Queen of Scots abstained from none of her usual indulgences. At that period, as we learn from Sir Ralph Sadler's papers, her domestic establishment consisted of forty-seven persons besides herself; namely, five gentlemen, fourteen servitors, three cooks, four boys, three gentlemen's attendants, six gentlewomen, two wives, ten wenches and children. She had four coach-horses of her own, and her attendants had six horses. There were at Wingfield about two hundred and ten persons employed in guarding her, but upon her coming to Tutbury the number was reduced to one hundred and fifty. Her ordinary diet consisted of sixteen dishes at both courses; her two secretaries, the master of her household, her physician, and Monsieur de Pream, had a mess of seven or eight dishes, and always dined before the queen; the female attendants had also two messes of meat each day of nine dishes at both courses for those of higher degree, and five dishes for the others. There was about ten tons of wine consumed in the year, besides what the queen used for *bathing* in.²²⁸ Wheat was

²²⁸ However singular this custom of bathing in wine may sound

then about 20s. a quarter, and malt about 16s.; a good ox sold for £4., fat sheep £7. a score. Hay about 18s. 4d. a load : oats 8s. a quarter, and peas 12s. a quarter. We learn from the same source that sea (that is, pit) coal then began to be much used in this neighbourhood, and was reckoned the best sort of fuel. It could not be procured nearer than six miles from Tutbury, and no doubt was conveyed from Newhall ; some was also brought by carriages from Melbourn and Dunnington, &c.

So early as the 7th of November, 1584, an order was sent to Thomas Gresley, Esq., the High Sheriff of the county of Stafford, to convey the household stuff of Lord Paget, who had lately been attainted, to the castle of Tutbury for the use of the Queen of Scots ; and Mr. Bryan Cave, one of the cofferer's clerks, was sent down there to make such provision for her reception as might be requisite ; it was the intention of Queen Elizabeth to have had her removed to Tutbury on the 23rd of that month, but owing to her indisposition and weak state of health the removal was deferred. Remorse of conscience and uneasiness of mind were perhaps the real causes of the unhappy Mary's illness ; for Sir Ralph Sadler, in a letter to secretary Walsingham, dated the 26th. of the same month, states that the Scotch Queen was in good health of body, " though her foot be so as she cannot well set it to the ground, I will not say it is the gout, yet without

to modern ears, many instances occur in the annals of the great, during the fourteenth, fifteenth, and sixteenth centuries : the consumption of wine at that time amongst the higher classes of society, was far greater in all ways than at present.

any great pain." Under one pretence or other Mary delayed her departure from Wingfield until she and her attendants were nearly famished ;²²⁹ Nau, her secretary, returned from London, where he had been engaged in negotiations with the government on her behalf, upon the 29th of December, and by his entreaties she was prevailed upon to consent to be removed to Tutbury on the 11th of January ; but the quarter session being held at Derby on that day, her journey was further postponed until Wednesday the 13th of that month. A warrant was directed to the High Sheriff of Staffordshire, to assist in conveying her from Wingfield to Tutbury ; she was brought that night to Derby, where she slept, and the next day arrived at Tutbury under the charge of Sir Ralph Sadler, with a few attendants.²³⁰ Queen Elizabeth expressed considerable displeasure that she had not been brought through in one day ; but Sir Ralph Sadler excused himself on account of the badness of the roads, and the continued lameness of the Scotch Queen. Upon her arrival she appeared pleased with her accommodations, which were far superior to what she had lately met with at Wingfield ; but the tapestry hangings of her room, which had belonged to Lord Paget, were unlined and inconvenient, whilst those which had been provided by the queen were too deep by almost the half. The following description

²²⁹ See Sir Ralph Sadler's Letters.

²³⁰ Early that morning Lord Stafford passed through Tutbury, plainly apparelled, with three or four attendants, and staid at an alehouse in Hilton, whilst the Scotch Queen and her company passed by. — *Sir R. Sadler's Letter*, 17th Jan. 1584.

of this apartment is interesting: "Her chambre is but nine foote depe (high), the reason²³¹ or wall plate being seelled under the rafters as a pavelion roof; and from the reasons over head ar stretched some of her majesty's larg hangings: eight or nine peece will serve to hang the chambre, or so many as will make thirty-three foote, being all the length of her chambre on one syde, with a returne from her chymney; that syde hath no window."

The state of this castle, during the time that Mary last resided there, is accurately described by Sir Ralph Sadler in his interesting papers. The whole area, containing about three acres, was encompassed on all sides but one with a strong and lofty embattled wall and deep foss, as the present ruins plainly show. The principal entrance was by a bridge under the great gateway to the north; at a small distance to the left of this gateway stood a building, containing Mr. Dorell's office and bed-chamber and four other rooms. Along this north-east wall, about one hundred and sixty feet from the entrance, was a lofty tower embattled, containing four rooms, viz. a store-house at the bottom, above that Curle's apartment, over which was the doctor's, and at the top the chief cook's. This tower was then much shaken and cleft, but it still forms a prominent feature among the castle ruins. At a little distance from this began the principal suite of the queen's apartments, which did not overlook the walls, but formed a long line of low buildings on the

²³¹ More properly called raising, consisting of pieces of timber laid upon the wall to bear the rafters.

eastern side of the area; they contained the queen's dining chamber, and closets adjoining, her bed-chamber, cabinet, place for wood and coals, and her gentlewomen's apartments. These were all on the second floor; and beneath them were Mr. Melvill's rooms, Mr. Nau's, the surgeon and apothecary's apartments, and a wardrobe chamber, with pantry and buttery. On the south side were situated the hall, sixty-one feet six inches long by twenty-nine feet broad; the state-chamber, forty-five feet long by twenty-nine broad; the lobby within the great chamber, in length forty-two feet six inches and in breadth nineteen feet; the entre' into the south tower, in length twenty-one feet and in breadth eleven feet six inches; the outer chamber in the south tower, thirty-nine feet long by twenty-four broad; the inner chamber there twenty-five feet by nineteen; the vaults below these, which had formerly been dungeons, were then used as store-rooms for provisions and goods;²³³ and upon the site of the present farm-house were store-rooms, kitchen, and scullery on the ground floor, and above them lodging-rooms for the attendants. On the north-western side of the area there was also a building of two stories, containing a pantry, bakehouse, and larder below, with lodging-rooms above. On a high mound at the south-west corner was the keep called Julius's Tower, then in ruins, upon the site of which an artificial tower now stands. From thence along the north-western

²³³ These apartments now form the principal ruins; the stonework of the chimney-piece in the outer chamber is beautifully carved, with the figures of beasts and crab-fish alternately introduced.

side to the great gateway, the abrupt declivity of the hill required little assistance from art to make it impregnable; the rough sketch made by Sir Ralph Sadler, represents a paled fence and wall alternately; first twenty feet of paling, then an old wall sixty feet long, beyond that another paling of thirty feet, then a wall of thirty more, opposite to which was an old yew tree, and subsequently another paling of one hundred and forty feet, at the end of which there stood a small tower, and from thence there was a good embattled wall to the great gateway. On the annexed ground-plan of the castle the site of all these buildings have been delineated as far as the smallness of the scale, and the imperfect materials from which we have had to form it, would allow. A bird's-eye view of the castle was discovered amongst the papers in the Duchy of Lancaster Office, and engraved by the Society of Antiquaries in 1723; but it is so erroneous that it could only have been drawn from imagination, and never from an accurate survey. Within the castle walls there was formerly a free chapel, as will be noticed hereafter; this probably stood on or near the site of the building of two stories, mentioned above as used for a pantry, bakehouse, &c.

REFERENCE.

- No. 1. High mound upon which the Keep or Julius's Tower formerly stood, and upon which an artificial ruin has subsequently been erected.
2. Modern house occupying the site of the old kitchen and other offices.
3. Site of pantry, buttery, and other offices.
4. Remains of south tower, containing the presence and antechamber, with other apartments, and dungeons beneath.
5. Site of the Queen of Scots' lodging-rooms, chamber, and cabinet upon the first floor, with Mr. Melvill's and the surgeon's apartments, &c. below.
6. Ruins of the high tower, which formerly contained four rooms, one above another.
7. Great gateway and the site of the porter's lodge.
8. Mr. Dorell the steward's offices, and other chambers.
9. Supposed site of St. Peter's Chapel within the castle, used afterwards as domestic offices and lodgings.

TUTBURY LITTLE PARK

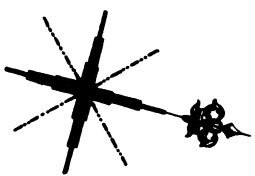
MILL PLEAM OR LITTLE DOVE

Ancient approach from the Bridge

Queens
Garden.
AD. 1374.

Deep Foss

PLAN
OF
TUTBURY CASTLE
AND THE
LANDS BELONGING THERETO.



Private Surveyor

*Site of the
Towers*

Greenwich Park

TO THE
PUBLIC
ASTOR, LENOX
TILDEN FOUNDATION

It was not long subsequent to her arrival, that the Scotch Queen sent Queen Elizabeth a most dismal account of the furniture of this castle; she accused those who had the ordering of it, of a wilful intent to render her abode here uncomfortable, and transmitted a long list of other articles which she required. The tapestry, which ornamented the walls upon her first residence here, must have been either worn out or removed, as there is no mention made of it, and the supply from Lord Paget's furniture appears to have been of a very indifferent quality, some of the best of it having been sold by Mr. Gresley, when he was sheriff, before he had received orders to apply it to the Scotch Queen's use. New furniture was soon procured according to her request, and Sir Ralph Sadler, although indirectly reproached for not appointing more fit persons to provide the supply, received from Queen Elizabeth this public acknowledgment of his services:

"To our trustie and right welbeloved Counsellour Sir Rafe Sadler, Knight, Chancellour of our Dutchie of Lancaster.

"Your very loving Soveraine,

"ELIZABETH R.

"By the Queene.

"Trustie and right welbeloved Counsellour, we grete you well. Being geven t' understand, how basely our house of Tulburie was furnished at the tyme of the Queene your chardge's repaire thether, and what wants there are there of things of necessarie use for one of meaner quality then the said queene; we cannot but think our honour greatlie touched therin, and the partye to whom you committed the chardge and

oversight therof worthy of seveare punishment ; and although we have gyven order for the present supplie of this want, yet are we ashamed, that such as werre put in truste with the matter should be found so voyde of judgment, and so careles of our honour, as to gyve so great advantage to those that look curiously into our doings, to fynde faulte uppon just cause. And therfore our meaning is, that the said parties that have so offended, shall receave punishment answerable to their deserts. And whereas you have ben a longe sutair unto us (not without just cause) to be dischargd of the burden you now susteine (though unfit for your yeres, yet most fit for a man of your fidelity) we have not ben unmyndfull therof. And although yt has ben diffirred for some specyall causes, yet have we at length taken suche full resolution therin as you shall verie speedilie be at liberty to make your repeire unto us, w^{ch} as we know that you do most earnestlie desire, so shall we be most glad at the time of your accesse unto us to make our good acceptacon appeare unto you of your most painefull and faithfull services perfourmid in this late chardge. Given under our signet at Somerset house, the 18th of Februarie, in the 27th of our raigne."

To guard the castle Sir Ralph Sadler raised thirty soldiers, "handsome lusty men, and well appointed," from among the tenants of the duchy, who received the pay of eight-pence a day each, to whom an oath of allegiance and service was administered according to a form settled by the privy council; he also wrote to several of the neighbouring magistrates to be in readiness with their servants and horses upon all occasions, when required, and to establish watch and ward in the villages and towns within ten miles of the castle. The following are the names of the justices of the peace to whom these directions were given: Sir Thomas

Cockayn, of Ashborne, Nicholas Brown, of Snelston, Francis Curson, of Kedleston, John Harpur, of Swarkeston, N. Francis, Henry Sacheverell, and Thomas Knyveton, Esquires, acting magistrates for Derbyshire, and Mr. Vernon, who was then sheriff of the said county. Thomas Gresley, of Drakelow, Humphrey Ferrers, of Walton, John Bowes, of Elford, Ralph Adderley, of Coton, Richard Bagot, of Blythfield, John Chetwynd, and Thomas Trentham, Esquires, acting magistrates for Staffordshire, and Mr. Lee, the sheriff of that county. On the 20th of February some of the above-mentioned magistrates met at Tutbury Castle, and fixed the following proportions for the annual charge required for the carriage of fuel and the expense of the soldiers' furniture, which they specified in their orders issued to the high-constables of the several hundreds :

	£.	s.	d.
For the carriage of 365 loads of charcoal, at 3s. 4d. a load,	60	16	8
For the carriage of 1,400 loads of wood, at 1s. 4d. a load,	93	6	8
Towards the furniture of soldiers guarding the castle,	26	0	0
To be supplied by the two counties in equal proportions.	180	3	4

This charge was to be defrayed by quarterly payments in advance, as long as the Queen of Scots remained at the castle. Although Sir Ralph Sadler had used all due economy in the management of the large establishment under his care, the estimate he had forwarded to the court was much animadverted upon, particularly the stables; and in a letter addressed by him to the lord treasurer, dated the last day of February, he thus expresses himself on the subject :

"I wolde to God it lay in me to abate the charges according to her Majesty's pleasure, which then shude not be long undon. But for the charges of the stable, indede I have here six horses, thirty-two geldings, and four nags, and ever syns my comyng from home I have in maner borne the hole charges of them all myselfe, untill now syns my comyng hither, syns which tyme indede her Majestye hath borne the charge; but for all the tyme before, both at Sheffield and at Wingfeld, I did bere the charge of them all, except of twelve horses and geldings, which my Lord of Shrewsbury allowed unto me in his stable, for the space of one month or little more, and then his officer alledging, that his provision and store of hay and provender was spent, as indede it was, I had leave having onely stable rowme to bye hay, otes, and strawe to, as I coulde gette in the contrey at the derest; so that for four monthes and more I have borne the hole charge of my sayde number of horses, and som tymes of mo, as occasion hathe ben given, whereof at my retourne I will make a just and trew accompt, trusting to have some reasonable allowance of the same and other charges, towards the which neyther afore nor syns my comyng from home I have not receyved one penny of her Majestye."

The household expenses of the Queen of Scots, exclusive of fuel, were estimated by Mr. Dorell²³³ and Mr. Cave at about £5. a day, besides which there was the expense of furniture and utensils, and of repairing and altering the rooms and offices in the castle; all these were defrayed by the government, but the counties of Stafford and Derby were taxed for the carriage of fuel and other materials, as before mentioned. The kind-hearted chancellor of the duchy could not bear to keep his charge in that state of rigid confinement

²³³ Mr. Dorell, or more properly called Darell, was an officer appointed by Queen Elizabeth to superintend the household expenditure of the Scotch Queen.

that his royal mistress required: he permitted her to ride out with five or six of her attendants for several miles round the castle, and occasionally gratified her with the amusement of hawking. Such indulgences gave great offence at court, and he was sharply reprimanded by Mr. Secretary Walsingham, who stated the queen's apprehension, that some attempt might be made to rescue her during these excursions. In reply to this harsh reproof Sir Ralph Sadler stated, that he had sent home for his hawks and falconers, for the purpose of amusing himself during the miserable life he was destined to pass at Tutbury, and that the Scotch Queen had entreated his permission to accompany him, which he could not deny her, but that on all such occasions he had been attended by forty or fifty of his own servants and others on horseback, many of whom were armed with pistols. In a subsequent letter to the lord treasurer, he refers to this subject in the following terms:

"I am sorry her Majestye mislyketh of the lybertye permytted to this queen of late in hawking upon the ryver not far from the castell, wherein I have much exceeded my commission, having always ben well assured to answer the charge comytted unto me, as indede, I see no maner cause of feare of her fourthcomynge, so long as this countrey remayneth in so good quyetness, as it is now. And now for the tyme of my contynuanee here, which I hope shal be very shorte, I will do what I can to kepe her more pryvately from intelligences,"³²⁴ which I assure your Lordship is very harde to do, having so many about her as she

³²⁴ During the government of Sir Ralph Sadler, Anthony Babington contrived to carry on a private correspondence with the Scotch Queen, but the stricter vigilance of Sir Amias Poulet put an end to it.

hathe, both English, French, and Scottishe, as well men, as women, which have so many errants and occasions to go aboute their necessary busynes, that all the soldiours here ar to few to attende upon them, which nevertheles shall be loked unto as well as Mr. Somer and I can desire, whereof both he and I have ben, and will be, most carefull according to my dueties."

On the 17th of April, 1585, Queen Elizabeth was pleased to release her aged and faithful servant from the irksome and ungrateful task, which he had so long been compelled to perform in keeping watch over the captive Mary. He received with sincere delight the following dismissal from this charge; and within two years of that event, in the eightieth year of his age, he was (to use his own words) "delivered also from the miseries and afflictions of this life, and went to seek the everlasting quietness of the life to come."

"Trustye, — Whereas you have been heertofore a suter unto us, to be released of the custodye of our cosyn the Scotch Queen, wherein you have served us most faythefully, to your great credyt, and owre syngular contentment; we are pleased that you shall be nowe released of that care and charge, for which purpose we have made choyce of Amias Pawlett and Drue Drury, to supply your place in that behalf, as by more instructyon dyrected bothe unto yourself and unto them you shall more at large purceyve. And for that the sayd Queen owre cosyn may conceyve upon remote, that owre meaning is, that she shall hereafter receave more harder usage then heertofore she hath don, as also that the treaty which was the last somer dealtyn betweene us, shall nowe be voyd of all hope of proceeding; you shall declare unto her, that though some things lately discovered unto us, may minister just cause both for th' one and th' other, as we doe make herself the judge, when she shall understande the same, as our meaning is she shall; yet we being led

rather to follow our own disposition, which is no way inclined to extremite, then to looke upon her deserts; if we shall receave that satisfaction at her hands, which we looke for, and which she ought in reason to give, she shall then fynd us disposed to yeld that contentment, as she shall have no cause to mistyke of; and for her better satisfactyon in this behalfe owre meaning is, you shall shew her these owre letters."²³⁵

The character of Sir Ralph Sadler is concisely given by one of his biographers in these words: "He was at once an exquisite writer, and a most valiant soldier: his nights he devoted to contemplation, and his days to action. Little was his body, but great was his soul; the more vigorous, the more contracted. Quick and clear were his thoughts; speedy and resolute his performances: and yet was he so civil and obliging, that there was no party that had not a kindness for him."²³⁶

Shortly after his arrival at Tutbury, Sir Amias Poulet placed the surrounding country under similar contributions for the carriage of fuel, to which it had been subjected in the time of his predecessor: the establishment of the Scotch Queen was somewhat reduced, and she was deprived of those amusements, which before excited the jealousy of Queen Elizabeth. On the 3rd of May, the new governor addressed a letter²³⁷ to Richard Bagot, Esq., the most active of those magistrates who had been formerly applied to, in these words:

²³⁵ Extracted from Sir Ralph Sadler's Papers.

²³⁶ Observations upon Statesmen and Favourites of England, by David Lloyd, M. A. London, 1665.

²³⁷ This letter and the two following, from Mr. Dorell to Richard Bagot, Esq. have been kindly communicated by the Right Honourable Lord Bagot, and were never before published.

“After my very hartie comendations, — Whereas Sir Ralph Sadler, having the charge of the safe custodie of the Queen of Scotts in this place, for the greater suretye of his said charge, and for the better satisfying of the Queens Majesty’s expectation therein, hath by his letters of the thirtieth of January last past recommended unto you among others, your fellowe Justices of that Shere, certin speciall points to be observed by you in your severall divisions: Althoughe I doubt not, but that you have had dewe regard to observe the same effectually according to the trust reposed in you, yet being now repayred hethre by her Majesty’s commandment to supply the place of Sir Ralph Sadler in the charge before rehearsed, I have thought it agreeable with my dewtye to her Highness, to put you in remembrance of the said letters, and alsow to pray you to contynewe your accustomed care and diligence, as well therein as in all things, that may any way concerne this charge committed unto me; wherein beside that you shall deserve thanks at her Majestie’s hands, I shall also thinke myself beholding unto you. And thus I committ you to the Mercys of the Highest.

“From Tutbury, the 3d of Maye, 1585.

“Your assured friend,

“A. POULET.”

In the month of September following orders were received from the court, to prepare for the removal of the Scotch Queen to Chartley; but the Earl of Essex, to whom that place then belonged, threw every impediment in the way for the purpose of preventing the execution of these orders: he recommended to Queen Elizabeth the house of Mr. Gifford at Chillington, as one much more fit for her reception; and as that gentleman was accounted a recusant on account of his attachment to the Roman Catholic religion, the Earl

of Essex imagined that the queen would give a more willing ear to this suggestion; but she was fully resolved that her favourite Essex should bear some part of the cost of the Scottish Queen's maintenance; and although he had given directions to his friend Mr. Bagot, and his steward Newport, to remove "all the bedding, hangings, and like stuff," from Chartley to their own houses, or to Lichfield, yet, on the 21st day of December, 1585, Mary Queen of Scots took her final leave of Tutbury, and was removed to Chartley in spite of all his entreaties to the contrary.²³⁸

It was during her residence at the latter place, that a dangerous conspiracy was discovered against the queen and her government, which accelerated the fate of the unhappy Mary. Irritated by the protracted continuance of a degrading captivity, and no longer attentive either to the promises or threats of Elizabeth, she eagerly embarked in any scheme, however desperate, which seemed to afford a ray of hope for her liberation. Her participation in the present plot was clearly traced by the discovery of a secret correspondence, which she had long kept up with Mr. Anthony Babington of Dethick in the county of Derby. By the subsequent confession of the conspirators, it appeared that the plot originated at Rheims in France; that John Ballard, a priest of the English seminary in that town, and John Savage, who had sometime served as a soldier in the wars in the low countries, at the instigation of Dr. Gifford, were induced to apply to the Spanish ambassador at Paris, to invade

²³⁸ Letters from Sir Amias Poulet and others, in the possession of the Right Honourable Lord Bagot.

England with foreign forces; and that the Roman Catholic subjects of Queen Elizabeth were by a simultaneous insurrection to dethrone her, and proclaim Mary Queen of Scots as their sovereign in her stead. Ballard having concluded a treaty to this effect with Barnadino de Mendoza, the Spanish ambassador at the French court, and having also gained the assent of Charles Paget and Thomas Morgan, two English fugitives, to the furtherance of this scheme, came to England for the purpose of gaining over the English Catholics; and having received letters of introduction from Morgan, who was a servant of the Scotch Queen, to Mr. Anthony Babington, he divulged to him the whole plot. Babington at first hesitated to take any part in the concern; but having communicated to Mary Queen of Scots the information he had received, and obtained from her an answer in cipher, expressing her entire approbation of it, he engaged himself to raise the Roman Catholic population of the kingdom, to slaughter her majesty's council, to sack London, burn the navy, and dethrone the queen. Upon these assurances Ballard again set out on his return to France, with a full account of the proceedings of the conspirators to lay before Mendoza, and to inform him that they were only waiting for the arrival of the Spanish forces to carry their intentions into execution. He was upon the very point of embarkation, when a warrant from Mr. Secretary Walsingham came down to the officers of the port to arrest him; this was immediately done, and a full exposure of the conspiracy ensued. Robert Barnewall, Chidiok Tichborne, Charles Tilney, a pensioner, Edward

Abington, Thomas Salisbury, Henry Dunn, Edward Jones, John Travers, John Charnock, Robert Gage, and Jerom Bellamy, were all tried, condemned, and executed in September, 1568, for joining in this conspiracy. Anthony Babington endeavoured to save himself by flight; he stained his face with walnut juice and dressed himself in the disguise of a countryman, to prevent his enemies from identifying him; but he was at length taken in the house of Bellamy, at Harrow-on-the-Hill, and suffered death, having previously made a full confession of all the circumstances of this plot which had come to his knowledge.²³⁹

After such disclosures it was impossible that the Queen of Scots, who was the secret cause of these repeated attempts to disturb the peace of the realm, should escape with impunity. The life of the Queen of England, the safety of the state, and the establishment of the Protestant faith, had all been endangered by the sanction and concurrence which she had given to the conspirators; and upon this occasion her letters to Babington fully proved that she had even recommended the assassination of Elizabeth. It was deemed prudent, however, to keep her in ignorance of the detection of her accomplices, until the manner of proceeding against her should be fully resolved upon; and after some difference of opinion amongst the queen's counsellors, it was at length determined to bring her to an open trial. This decision was no sooner made, than Sir Thomas Gorges, by Elizabeth's orders, was sent to Chartley to communicate to Mary

²³⁹ Rapin's History of England, and Lyson's Derbyshire, &c.

the discovery of her guilt. He found her on horse-back enjoying the sports of the field; for as the conspirators had agreed to rescue her from captivity whilst engaged in hunting, and apart from her guards, she pursued that diversion with great alacrity, and of late had betrayed a constant wish to partake of it as often as the weather would permit.²⁴⁰ The announcement of the fatal intelligence which Sir Thomas Gorges conveyed, suddenly extinguished the fond expectations which had been so long cherished in her bosom. She instantly directed her horse's head homewards, but she was not permitted to return thither. Sir Amias Poulet and his servants conveyed her from one gentleman's house to another, until they came to Fotheringay in Northamptonshire, which was destined to be the place of her trial and last abode. In the meantime her two secretaries, Nau, a Frenchman, and Curle, a Scot, were arrested, her papers seized, and the keys to the ciphers in which she wrote discovered. Many letters from foreign parts and also from English noblemen, expressing their attachment and proffering their services, were also found in her cabinet, authentic copies of which were afterwards laid before the French king by the directions of Elizabeth, in order to show him how far Mary was implicated in this plot.

It will be unnecessary for me to enter at large into a detail of the proceedings which took place at Fotheringay; but I take this opportunity of submitting to the reader two letters from Mr. Dorell²⁴¹ to Richard Bagot,

²⁴⁰ Hume's and Rapin's History of England.

²⁴¹ Letters in the possession of the Right Honourable Lord Bagot.

Esq.; dated from thence (and never before published), as sufficiently explanatory of these transactions :

“ Sir,

“ *Understanding that this bearer is to pass by Blithefeilde in his waie from hence homewarde, and this place havinge yelded of late suche newes, as may well seme warthie the reportinge, I have thought good to signifie thus much to you brieflie of them.*

“ *Upon Wensdaie laste did this Honorable Assemblie, hereunder written, mete together in this Castle, as commissioners appointed by her Majesty our Sovraigne, to inquire, by all due meanes and prooffe, whither this Sco: Queene hathe (since the end of the laste Parliament, to an Act whereof this commission had altogether relation)³⁴² attempted, compassed, or imagined any thinge tendinge to the hurte of our Queene's person.*

“ *After the ende of a Sermon made in this Castle to them all, uppon the said Wensdaie morninge, by the Dean of Peterborough, theis Lor: Comissioners bestowed the residue of that day, and all the next, being Thursdaie, in private counsell and consultation among themselves; seekinge in that tyme, by all meanes they coulede, to persuaide this Queene to come out into the chamber of state (where they were to sitt openly and judicially) and she to sitt there before them, to here the prooffs to be produced against her; wherein they did assure her, that as the Queene's Maj^{ty} our Mistris had not receaved any thinge that had happened unto her these many years with greater grieve, then to here now, that she should be a procurer of her deathe, so woulde nothinge be more joyfull and acceptable to her, then to here that reporte to be untrue, and that she had clered herselfe of yt.*

“ *Which speche, uttered unto her, I thinke by Mr. Vice*

³⁴² This act was passed in the 26th year of Queen Elizabeth's reign, to prevent and punish seditious attempts against the Queen's life or person.

Chamberlayn,²⁴³ prevailed so much with her as upon condition, that her protestacion (which was, that this her cominge out to them should not be prejudiciall to the Soueraigntie and title of her Sonne, and others, that are to be her successors) may be accepted and recorded, she woulde come out to them the next morninge, being fridaie; which was by their Ho^r, after they had considered of it, yelded unto.

"And thereuppon accordingly uppon fridaie morninge, they being all sett judicially in there places, she came forth to them, to a chayre placed for her in the upper end of the chamber, at which tyme beganne the Queene's learned counsell in the lawe (after the Lord Chancellor's oration ended, and the readinge of the commission) to do their partes in layinge open divers bad practises, and plotts, tendinge to the subversion of the whole state, which by the confession of divers, and her owne letters, which have been intercepted, did manifestly appere to have bene contrived by her and her ministers.

"But the chiefest matter to bring her within the compasse of the aforesaid statute made the last Parliament, was, that she had bothe receaved a letter from Babington touching this late conspired treason, and that she had also by her answere, animated, and encouraged him in it. The prooffe whereof was bothe Babington's confession alleaged and also the coppies of bothe the said letters, shewed with Nau's and Curle's²⁴⁴ handes to them, avouching them uppon their othe, to be true; all which notwithstandinge she still stode in her denyall.

"In the producinge of their proofes, and her answeringe to them, was all ffridaie bestowed, and all the afternoone uppon Satterdaie; by which tymes yt seemethe all things bothe against her, and on her parte, had bene handled so at large, as that there remayned no more to be done or sayd in yt at this metinge; and so first the Queene, and then they rose and departed; they going from hence after dyner to their severall lodginge; and

²⁴³ Sir Christopher Hatton.

²⁴⁴ The two secretaries of the Queen of Scots.

the next daye beinge Sondaie, most of them retourned towards the courte, where, yt is said, they have appointed to mete all upon Sondaie nexte.

“ Thus have I brieflie, thoughte rudelye, sett downe unto you the substannce and effecte of as muche as my slender capacitie and bad memorye would suffer me to cary awaie, not doubtinge but you will accepte it in good parte, as from one that is your playne and unfayned poore frende. I will not further trouble you at this tyme, and so with my due commendations to yourselfe, and good Mrs. Bagott, with the rest at Blishefelde, I committ you to the mercyefull protection of the Highest.

“ From ffotheringhaye Castle, this 17th of October, 1586.

“ Your assured to comande,

“ MAR: DARELL.

“ I have sente the twentie nobles, which I had of you, for Morrice, to him to the court, and will sende you his acquittance for the receipte of it, as soone as it shall come to my hands.

At ffotheringhaie.

*The Lordes and others that were here
in commission, about the Sco: Queene.*

The Lord Chauncellor,

The Lord Treasurer ;

*Earle of Oxeforde, Earle of Kent, Earle of Derby,
Earle of Shrewsbury, Earle of Rutland, Earle of Warwick,
Earle of Woorcester, Earle of Cumberland, Earle of Pembroke,
Earle of Lincolne,*

Viscount Mountague ;

*The Lord Aburgeymie, The Lord Greye, The Lord Zouche,
The Lord Morley, The Lord Sturton, The Lord Stafforde,
The Lord Weinfelde, The Lord Lumley, The Lord Sandes,
The Lord St. John, The Lord Morden, The Lord Compton,
The Lord Cheymie ;*

*Sir James Crofte, Sir Frauncis Walsingham, Sir Raufe Sadler,
Sir Walter Mildemaye, Sir Xtofer Hatton, Sir Amyce Poulet;
The two Lo: Chiefe Justices,
The Lo: Chiefe Barons,
Two Judges."*

At the bottom of this letter, in Mr. Bagot's handwriting, the following names are also added: Earl of Arundel, Earl of Northumberland, Earl of Bath, Earl of Sussex, Earl of Bedford, Earl of Leicester, Earl of Essex, and Earl of Hertford.

The next letter from Mr. Dorell to Richard Bagot, Esq., shortly alludes to the last scene of the unhappy Mary's eventful history; it is dated from Fotheringay castle, the 25th of February, 1586-7:

" Sir,

" I thanke you for your curteous letter, as I doe also for sundry other your good frendshippes towards me, for the which you shall comande me whyle I live.

" I doubt not but you have long since hearde how resolutely, and in shewe quietly, she wente to her deathe, who in her lyfe time had bene the aucthor of so many troubles; wherein her magnamitie and other good gifts, meete for so great a callinge, no doubt did make us all that were beholdinge to pittie her wante of grace to use them; In other points she shewed herselfe very obstinate, and farre from that which true religion dothe require at our handes at such a tyme.

" She hath now ended her last tragicall parte; which by reporte many doe threaten to revenge; I beseche God (by the continuance of our monstrous sins and wante of repentaunce) we procure not his wrathe against us; and then I hope we shall withstand still, as hitherto, their malyce well ynoughe. Sir Amyce, our honorable Governor (and one to whome for myne own parte I am very much bounde) intendethe, God

willinge, to returne towarde London with his whole famylie uppon Mondaye nexte, after whose departure I am comaunded to staye here with the Housholde that shall remayne, consisting most of the Sco: Queene's servaunts, that are now come altogether, until her Majestie's pleasure be further knowne.

"The cause of this there staye wee thinke to be, because yt is not yet fully agreed uppon where the dead body shall be buried, neather will be untill the retourne of Mr. Caryl out of Scotlande; and untill the funerall be ended, as you knowe, this housholde cannot be dissolved. We all hope it will be shortle, for there is not I thinke any of us, that hathe not longe wished to be well freed from this kinde of prisoner's lyfe. I beseeche you that I may be hartelye comended to good Mrs. Bagot, to Mr. Walter your sonne, and to your daughters, and so with due salutations to yourselfe I comitt you to the mercefull protection of the Almightye.

"Your assured to comaunde,

"MAR: DARELL."

After the departure of Mary Queen of Scots, no incident occurred at Tutbury during the remainder of Queen Elizabeth's reign which is worthy of notice. Her son, King James the First, visited more than once this place of her captivity; in all probability his feelings were not much affected when he surveyed the late abode of his unfortunate mother, for extreme sensibility was not one of his foibles. His purpose in coming here was not to indulge melancholy reflections, but to gratify an occasional delight which he took in the diversion of hunting; the scenery of Needwood particularly attracted his notice, and a favourite eminence, on which he sometimes rested during the chace, was denominated from him, "The

King's Standing."²⁴⁶ He was at Tutbury Castle from the 16th to the 20th of August, in 1619, again on the 19th of August, 1621, and from the 16th to the 19th of the same month, in 1624. Upon the first of these occasions he knighted Sir William Powell, who in the next reign had a grant of Rolleston Park; and upon the last, he conferred a similar honour upon Sir Edward Vernon of Sudbury.²⁴⁶

It was during one of these visits that the following bill of charges, still preserved amongst the churchwarden's old accounts at Barton-under-Needwood, is supposed to have been incurred:

"A note of such charges as I have bin at concerninge the king's majestie's progress at Tutbury. Imprimis paid for malt, 11s.; for hops, 1s. Alsoe paid for ould hay, 3s. 4d.; for the loads of kids, 12s. Alsoe we carried three loads of cord wood, and it was turned upon us back agayne. Also spent with going with the teames two times to Tutbury, 10s. 3d. Alsoe paid for sixty pounds of sweete butter, at 4½d. a pound, £1. 2s. 6d. Alsoe paid for carriage of the butter to Burton, and money that they spent that did carry it, 1s. 4d. Alsoe paid for five dozen of pigeons, 10s. Alsoe spent in goinge two days to seeke for pigeons being fourth all night, and carring them to Burton, 2s. 2d. Alsoe paid for two carriages that did help to remove the king's majesties household to Tamworth."²⁴⁷

²⁴⁶ This name is now retained by a farm house erected near the spot.

²⁴⁶ Philpot's Catalogue of Knights made by James the First, printed 1660.

²⁴⁷ King James was at Tamworth on the 20th August, 1619, again on the 21st August, 1621, and a third time on the 19th August, 1624.

Alsoe spent in goinge with the teames to Tutbury, and afterwards to Tamworth to see it delivered, 3s. Alsoe spent in goinge before the clerke of the verge of W. Leeke and W. Goodman, 1s. 4d. Alsoe spent in goinge to Burton to pay for malt and hops, and hay and oats, and the rest of the things, 6d. Alsoe the first of September, spent in goinge to Burton, to look for chargis which I had been at concerning the king's majesties progress, 6d. Also paid for five strike of oats, 11s. 8d. Alsoe paid for seeking for oats and carringe them to Tutbury, 1s. 6d. Alsoe paid for acquittances, 8d. and for more acquittances, 8d."

I am aware that parochial boundaries are not very interesting to the general reader, and that some of those already described may have appeared tedious; but my account of Tutbury would be incomplete, if I did not here introduce the following perambulation of that manor, extracted from the court rolls of the year 1601, more especially as it agrees in every respect with the present boundaries.

"The antient boundary, meeres, balkes, and ringe-hedges, of the queen's majesties manor of Tutbury, lyeing within the county of Stafford, beginninge at the weare, and soe followeth the river Dove all alonge eastward unto the lower end of the Byflatts; and then they goe westward, by the hedge which devideth the arable fields of Marston juxta Tutbury unto Hobholme; and then they followe the hedge of Hobholmes eastward, which devideth the manor of Tutbury from the lordship of Marston, unto the milne fleame; and then they goe over the milne fleame unto steward's meadowe at the east end thereof; and then the south

hedge of steward's meadowe devideth the lordship of Rolleston from the manor of Tutbury, untill they come to Clarke's close in the south-west end thereof; then they follow the hedge of Clarke's close on the east part thereof, going southward untill they come unto the rushie piece lying in Rolleston field, and soe they leave the field divided by meere stakes on the east part; and then going southward untill they come right over against the south side of Rowe meadowe; and thence they go over the milne lane, and soe keep the south side of the said Rowe meadowe; and then turne by the west end thereof untill they come to St. Marie's hadeland, and soe up the said hadeland untill they come to the common balke on their left hand, which balke devideth the manor of Tutbury from the lordship of Rolleston; and then they goe southward unto the highway which goeth betweene Tutbury and Rolleston; and thence they goe westward unto Quernbie's close, following the hedge upon the south side thereof untill they come unto the west end thereof; and then they goe over the highway, and goe up the south-east side of Thomas Smethwick's short hadeland unto the hedge westward, which said hedge devideth the lordship of Rolleston from the manor of Tutbury; and soe they goe along the Portway until they come to Burton Gate; and then they followe the hedge westward unto the further end of Stainedale's; and soe goe over the way that leadeth to Rolleston parke from Tutbury, and the hedge that goeth southwarde to Rolleston parke devideth the manor of Tutbury from the lordship of Rolleston, untill they come to Rolleston parke pale; and then they follow

the parke pale west and by south, untill they come unto the south side thereof, and untill they meet Annesley Brook, which devideth the manor of Tutbury from the lordship of Annesley; and they follow the brooke, going up the Langot westward, untill they come to the Poole Milne or Pool Place; and then they followe the hedge on the east end thereof, untill they come to Stockley Parke Gate; and then they followe the parke pale westward, unto the Bellmott Bridge, and then over the Portway unto the Castle Haie Parke pale; and soe from thence they come eastward, still following the said parke pale into Hallowaie field; and then along the parke pale, still northward unto Mr. Allsop's new barne; and soe along the pale unto the Broad Gates; thence to Dollippe stile, and soe along the Woodhouse groundes by the parke pale untill they come unto the southwest end of Thomas Alcock's groves; and then they goe northward, along the hedge which devideth the manor of Tutbury from the lordship of Faulde, untill they come to the Woodhouse Lane; and thence they goe over the said lane northward, untill they come into the lane which goeth eastward into Rowe meadowe; and at the east end of the same lane, they enter into John Boilston's hurst, and soe followe the hedge west by north, until they come into the south-east end of the little broade meadowe; and then following the meere which devideth the little broad meadowe from Swenson's leas, they come to Mr. Cavendishe's hurst; and then following the broade meadowe northward, untill they come to Mr. Agard's peece; and then goeing eastward until they come to the river Dove;

and soe they follow the said river Dove eastward all along the trenches untill they come to the castle bancke over against the aforesaid weare, and so over the milne fleame to the weare againe."

In a perambulation of the parish, which was made by the vicar and inhabitants of Tutbury at the end of the reign of James, or early in that of Charles the First, mention is made of a certain tree called the Dun's Cross Elm, then growing in the midway between Rolleston park house and the town. It must have been a tree of some magnitude to have attracted notice at that day; and, from the situation, there can be no doubt of its identity with that which is now designated "The Big Elm." This venerable tree is of the species distinguished by botanists under the name of "*Ulmus Montana*," (Wych Elm), and not longer than twenty years since was in perfect health, without any appearance of decay. About that time, however, a farmer at Tutbury unfortunately availed himself of the waste land upon which it stands, to mix up there lime and compost for his fields; and he repeated a similar operation for several successive years. This practice was fatal to the health of the veteran elm; its roots were injured, and it has been rapidly declining ever since: its noble limbs have fallen one by one before the wintry blasts, and ere long the naked trunk will be all that is left of this once magnificent specimen of the vegetable kingdom. In 1816 I took the following dimensions of it; and had I deferred my observations for a few more years, no record that I am aware of would have been kept of its original size. At three feet from the ground,

the trunk was nineteen feet in circumference; and at six feet high, sixteen feet nine inches; when it attained the height of ten or twelve feet, it divided into eight branches, each of which equalled in size a common tree; from the extremity of one branch to the opposite end of another, I measured one hundred and eight feet, and the total height of the tree was at least sixty feet, containing in the whole by estimation seven hundred feet of timber.

Another gigantic tree still survives the demolition of many kindred oaks on the now disafforested Needwood. In Marchington ward the Swilcar Lawn Oak extends its massive arms in comparative vigour, although it is supposed to be at least six hundred years old: at the height of six feet, its girth is twenty-one feet four inches and a half; the trunk is ten feet high before it projects any lateral branch; its height is sixty-five feet, and it is supposed to contain one thousand feet of timber. This oak has had the good fortune to be celebrated in the harmonious verses of the late Dr. Darwin, and of the "fascinating bard" of Needwood, Francis Noel Clarke Mundy, Esq.,³⁶⁶ to whose "Needwood and its Fall," I would refer such of my readers as delight in the exuberant charms of descriptive poetry.

These are not the only examples of large trees pro-

³⁶⁶ The author of that beautiful poem, entitled, "Needwood Forest," survived the picturesque scenery which he celebrated, and upon the inclosure his muse was again invoked to mourn the destruction of her hallowed shades: the second poem bears the title of the "Fall of Needwood," and is by no means inferior to the first. This deservedly esteemed and highly talented man died at his seat at Markeaton near Derby, on the 23rd of October, 1816.

duced in this neighbourhood. In Bagot's park, nearly three miles distant from Swilcar, are some of the finest oaks that can be found in any part of the kingdom. At a very remote period it is probable that Bagot's park formed a part of Needwood forest; but for many generations it has been the property of the noble family whose name it bears, and was perhaps inclosed therefrom by one of Lord Bagot's ancestors previous to the Norman conquest.²⁴⁹ I have been furnished with the following dimensions of two of the beautiful oaks growing there, through the kindness of Mr. Turner, Lord Bagot's steward, who states that both of them are yet in full vigour. The butt of the Squitch Oak is thirty-three feet high, and contains six hundred and sixty feet nine inches of timber; one limb, forty-four feet long, contains seventy-nine feet six inches; and fourteen other limbs two hundred and seventy-two feet seven inches; making a total of one thousand and twelve feet ten inches of timber: the height of this oak is sixty-one feet; and the circumference at five feet high, twenty-one feet nine inches. The butt of the Cliff Oak is forty feet high, and contains four hundred and twenty-eight feet seven inches of timber; its limbs contain one hundred and three feet three inches; and the total contents are five hundred and thirty-one feet ten inches: the height of this tree is seventy-five feet; and the circumference at four feet high is eighteen feet.

Many other trees of large size and picturesque form decorate the wild scenery of this park; that called the

²⁴⁹ Bagod is mentioned in Domesday-book as holding lands here of Robert de Stafford.

Beggar's Oak is particularly worthy of notice. The roots project in a most fanciful manner above the surface of the ground, within a circumference of sixty-eight feet; and the branches extend sixteen yards from the trunk in every direction.

The possessions of the ancient earls of Derby, which had decended entire with very few exceptions to the Royal House of Stuart, were now doomed to undergo a fatal dismemberment. James the First set the example to his successor, by granting the manors of Hassop, Rowland, and Calver, Wormhill, Tunstead, Greatrocks, Sterndale, and Fairfield, to Thomas Eyre, Esq., ancestor of the present Earl Newburgh; Rowsley, Wensley, Smitherton, Matlock Bath, Over and Nether Haddon, Yolgrave, Alport, Harthill, Tansley, and other places in their neighbourhood, to Sir George Manners, ancestor of the Duke of Rutland; and Beeley, Stanton, Birchover, Cowley, Gratton, and Winster, to John Greaves, Esq.²⁵⁰ All these lordships were situated in the county of Derby, and at a remote distance from the castle of Tutbury, so that their alienation was of no great consequence, whilst the territories more immediately contiguous to it remained undisturbed. The scruples of Charles the First upon this point were, however, naturally weaker than those by which his father had been actuated; and as his necessities increased, large sacrifices of the duchy estates were made to supply them. In the very first year of his reign, he granted the manor of Rolleston, with the copyholds and other services belonging there-

²⁵⁰ From MSS. in Duchy Office.

to, together with the Ryddings near Stockley and Lawrence Hay, to Messrs. Dixon and Whalley, who were trustees for Vicount Mandeville, reserving only certain fee-farm rents,²⁵¹ which were paid by the inhabitants of that place; and these trustees soon afterwards conveyed the same to Sir Edward Mosley, Knight, Attorney General of the Duchy of Lancaster. The manor of Sheen, which had been purchased from the family of Pole in the reign of Edward the Fourth, was also granted at the same time to the same parties. In the fourth year of this reign Rolleston park was conveyed to Sir Thomas Leigh, Knight, and others, in trust for Sir William Powell, Knight,²⁵² from whom it descended to the late proprietor, Lord Teynham. Stockley park was likewise conveyed in the sixth year of the reign of Charles the First, to John Tunstall, Matthew Lister, and Robert Smethwicke, Gents., upon a fee-farm rent of £3. 11s. 8d.; but about two-thirds of this park have recently passed again to the crown, in consequence of an exchange which was effected with the Rev. Thomas Gisborne of Yoxall Lodge, at the time of the inclosure of Needwood forest.

On the 24th of May, 1625, King Charles also sold his manor of Uttoxeter and other appendages of the Duchy of Lancaster to William Lord Craven, Sir George Whitmore, Sir William Whitmore, and Mr. Gibson, who immediately caused a survey to be made

²⁵¹ These fee-farm rents, together with a reserved rent of £12. from Rolleston Park, were subsequently settled on Catharine of Breganza, wife of Charles the Second, and sold for her benefit. — *See post.*

²⁵² From MSS. in Duchy Office.

of it, and resold it again to several of the inhabitants of that town for three thousand one hundred and twenty pounds, and these inhabitants conveyed to the various occupiers their interest in the same. About the same time all the timber then growing in Uttoxeter high wood was sold for the king's use by Sir Edward Mosley, the Attorney General of the duchy, to Richard Startyn, and Thomas Degg, who again sold it to others in lots. Ten years after that time an attempt was made to inclose this high wood, which formed a part of what had formerly been known as Uttoxeter ward on the forest of Needwood; but this project was strenuously opposed by the greater part of the inhabitants of that town, who enjoyed common rights therein. Upon this Sir Edward Mosley preferred an information in the duchy court against the principal persons who had made this attempt, stating that as his majesty was seized of the said common in his demense as of fee, being parcel of the Duchy of Lancaster; and as the townsmen of Uttoxeter had destroyed all his deer, fowls, wood, &c.; and that as the defendants claimed right of common there, although they had no such right, and did stop and interrupt his majesty from replenishing the same with deer and birds of game, and also from improving the same, he prayed to have writs of privy seal directed to the projectors of this attempt to appear in the duchy court to answer the premises, and to abide the order of the court.

In pursuance of this application, writs were served upon the parties, and all of them except one answered upon oath that they admitted the king's title to the

common; but how the deer, fowls, and wood had been destroyed, they knew not: they further added, that the freeholders had usually enjoyed a right of common there, and if his majesty was desirous of inclosing a part of it for his own use, they hoped they might be permitted to compound for and purchase the same. This answer when returned into the duchy was found by the chancellor to be insufficient, inasmuch as one of the defendants had not agreed thereto; and an order was soon afterwards issued, that as all the said defendants excepting one had consented that his majesty should inclose a part of the common, all the other resident inhabitants should express their consents in writing, to satisfy the court that they were all willing to submit to such an arrangement. A commission was then directed to Sir Edward Mosley, Sir Edward Vernon, Simon Every, Esq., Walter Vernon, Esq., George Parker, and Thomas Ayloffe, Esqrs., to take the subscriptions of the freeholders, and to inclose what part should be agreed upon. Sir Edward Mosley, Mr. Every, and Mr. Ayloffe, who were all in the king's service, then came to Uttoxeter, and threatened the inhabitants with inevitable ruin in case they refused to sign. By these means six more of the inhabitants signed, and gave in the names of twenty more as consenting parties. When the certificate of the commissioners as to these consents being obtained had been returned into the duchy court, a second commission came from thence for the inclosing of half of the said common for the king's use, which was immediately carried into effect under the superintendence of Mr. Ayloffe; and an injunction

was granted to prohibit all commoners from exercising their right of common in the other half of it, until the king's further pleasure was known. Thus was Uttoxeter ward finally dissevered from the remaining part of the forest; the other half being divided amongst the freeholders of Uttoxeter in lieu of their rights of common; the king's moiety was in March, 1639, granted to Mr. Nevil, one of the officers of the king's bed-chamber; and the quantity of the land thus appropriated amounted to five hundred acres. Mr. Nevil for several years received rent for his portion without interruption; but a few years before the commencement of the civil wars, a party of soldiers, who had been impressed against their will, burnt the rails, destroyed the fences, and laid the ground waste; yet for this trespass several of the townspeople were prosecuted in the Star-chamber, and had not the political convulsion which followed put a stop to the proceedings, the greatest part of the inhabitants would have been subjected to a continuance of vexatious law-suits respecting it.²⁵³

In 1634 Charles the First is said to have passed a fortnight at his castle of Tutbury,²⁵⁴ and we have before referred to a visit he made it in the month of August, 1636.²⁵⁵ When his troubles were accumulating on every side of this unhappy monarch, and he had determined to appeal to the sword for the maintenance of his rights, he sent the following letter to the High Sheriff of the county of Stafford :

²⁵³ From Family Documents in my possession. — O. M.

²⁵⁴ Heylin's Life of Lawd.

²⁵⁵ Ante-pages 88 and 89.

"CHARLES R.

"Our will and pleasure is, and we doe hereby command and authorise you to raise sufficient forces of horse and foote, to bee paid by the county, and to putt the same into the castle of Tutbury, for the defence and securetie of the same against all leavies of the rebells, and other ill affected persons in that or the neighbouring counties. And we hereby require you to use your utmost industry with our well affected subjects in that our countie, to persuade them to contribute horse, armes, ammunition, plate, or money, to us for our assistance and defence. And we doe hereby authorise you, by yourselfe, or such fitt persons as you shall appoynt on that behalfe, to receive the same. And you are to returne to us a list of their names and contributions, that we may make them satisfaction when God shall enable us, and remember it upon all occasions to their advantage. And we require and authorise you to convene all the gentlemen, clergie, freeholders, and other our well affected subjects of our county to the purpose aforesaid. And for soe doeing this shall bee your sufficient warrant. Given at our court at Reddeinge this 26th of November, 1642.

*"To our trustye and wel-beloved
our high sheriffe of our
county of Stafford."*²⁵⁶

The castle having been thus garrisoned for the king, was put under the government of Lord Loughborough, and warrants were issued by him to the constables of the surrounding townships, to provide forage and provisions for the support of the soldiers under his command. Previous to this, however, Sir John Gell had declared himself in favour of the parliament, and assembled a

²⁵⁶ Sir Edward Mosley of Rolleston, Bart. was the High Sheriff of Staffordshire this year: he was taken prisoner at the battle of Middlewich, by Sir William Brereton, on the 13th of March following, and fined £4874. on account of his adherence to the king.

large force at Chesterfield in Derbyshire; upon which the Earls of Devonshire and Chesterfield, together with the High Sheriff of that county, Sir John Harpur of Calke, Bart., Sir John Harpur of Swarkeston, Sir John Fitzherbert of Norbury, Sir Edward Vernon, Sir Simon Every, Bart.,²⁶⁷ and other Derbyshire gentlemen, assembled at Tutbury to consult upon the best means of preventing his further advance; and the result of this conference was a remonstrance, which they forwarded to Sir John Gell, respecting his hostile proceedings. The latter excused himself by replying, that he was surprised they should become so soon jealous of him, who was a countryman of their own, and well known to all of them; that his intentions were honourable; and that his only desire was to clear the county of thieves and robbers, who preyed upon the public, and to maintain the laws of the land and the liberties of the subject. Soon afterwards another meeting of these gentlemen took place at Etwall, at which Sir George Gresley, Sir John Gell, Major Saunders, and Mr. Hallowses were present; but, after much angry discussion, each party separated, with the full determination to support their respective cause by arms. Sir John Harpur immediately set out from thence to Wrexham, to procure the assistance of General Hastings; and the Earl of Chesterfield sent for his son from Oxford, who brought with him a troop of horse, with which they appeared

²⁶⁷ Sir John Harpur of Calke was the son of Sir Henry, who was created a baronet, Sept. the 8th, 1626, and from whom the present Sir George Crewe, Bart. is lineally descended. Sir Simon Every was created a baronet, May the 26th, 1641, and was the ancestor of the present Sir Henry Every, Bart.

at Burton, and resolved in a few days to attack the parliamentary forces, who by this time had occupied Derby. Their proceedings, however, were closely watched by their adversaries; and Major Molanus, with four hundred foot and some dragoons, marched without delay to the Earl's house at Bretby. They found it garrisoned with forty musketeers and sixty horse, who were all, after a slight skirmish, dispersed; and the parliamentary forces, when they had plundered a part of the house, returned to Burton upon the approach of night, from whence they departed the following day to Nottingham.²⁵⁸

Soon after this General Hastings fortified the castle at Ashby-de-la-Zouch for the king, and the parliament army garrisoned Burton; but in the following April (1643) this garrison was dislodged by Prince Rupert, after he had taken the Close at Lichfield, and he left a part of his own troops there; these were in their turn driven out by a party of Roundheads under Colonel Sanders, who occupied it until the 2d of July, when the queen in her way to Ashby took them all prisoners. The news of this disaster presently brought fresh forces from Nottingham, at that time the head-quarters of the parliament army in this part of the kingdom, who upon their arrival, having learnt that the queen was departed, and that General Hastings with many officers of the royal army were at Tutbury castle, immediately besieged it, but with little chance of success; for Major Freton, with the Nottingham horse under his command, was obliged after a few days to return homewards, and their departure rendered the remain-

²⁵⁸ Sir John Gell's MS. narrative.

der of these forces too weak to continue the siege.²⁵⁹ During this year also Sir John Harpur again occupied Burton for the king, and began to fortify it; but he was suddenly attacked by Major Mollanus, who captured his major, six captains, and other officers and men, so that the whole regiment was broken up. In the month of September General Hastings retreated to Tutbury, after he had been defeated by Sir William Brereton in an attempt to relieve Eccleshall castle; and upon another occasion, as he was passing from Ashby to this place with some of his troops, he was attacked by a body of Moorlanders in the service of the parliament, who killed and made prisoners many of his men, and it was not without difficulty that he himself returned again to Ashby.²⁶⁰

Grievous indeed were the exactions, which the inhabitants of the towns and cultivators of the soil were doomed to suffer during these civil commotions: the temporary success of either party only furnished fresh pretexts for raising contributions upon their more peaceable neighbours, and the vicinity of a garrison no longer extended protection but oppression over all the surrounding district. The accounts of the constables of Uttoxeter, which are still extant, independent of several notes of sums paid by other places, afford ample proof of these facts; for in 1644 that town alone

²⁵⁹ It was upon this occasion that two projecting buttresses were added to the front of the entrance-gate, upon which guns were mounted; the curious drawbridge hereafter alluded to was also erected about this time.

²⁶⁰ "A true account of raysing and imployeing of one foote regimiente under Sir John Gell," from a MS. copy of the Rev. Mr. Gresley of Netherseal.

appears to have contributed £158. 15s. 10d. towards the maintainance of the king's garrison of Tutbury.²⁶¹ By an order of the parliament's committee, sitting at Stafford, we also find, that on the 10th of August, in the same year, Curborough and Elmhurst, Streethay, the Close of Lichfield, Tutbury, Stretton, Burton-extra, and Burton-on-Trent, were assigned to Captain Mason, one of their officers, for the maintenance of his foot soldiers; whilst Pipe Ridware, Mavesyn Ridware, Yoxall, Hamstoll Ridware, Newborough, Hoar-cross, Marchington cum membris, Rolleston, Tatenhill, Dunstall, Barton-under-Needwood, Whichnor, Hansacre, Armitage, Bromley regis, and Ansley, were assigned to Colonel Rugeley, for the payment of his troop of horse.²⁶² The town of Tutbury thus appears to have been under the power of the parliament, although the castle was held for the king; but the collection of money from thence must have been very precarious. In April, 1644, a part of this town was plundered by some of the king's troops, who were going to join Prince Rupert, and forty of General Hastings's own horses were taken away by these lawless freebooters.²⁶³

That active partisan of the parliament, Sir John Gell,²⁶⁴ now began to reproach himself for permitting

²⁶¹ Old accounts preserved at Uttoxeter.

²⁶² MS. Journal of the committee at Stafford, in the possession of the late Mr. Burns of Aldershaw.

²⁶³ Copy of a letter to the Earl of Essex, among Sir George Gresley's MSS. in the possession of the Rev. Mr. Gresley of Nethersal.

²⁶⁴ Sir John Gell was created a baronet in 1642. He was of the Hopton family, and the present Philip Gell, Esq. is descended from him through the female line.

the king's garrison at Tutbury to remain so long undisturbed, and he determined to fix a party of his own men in its immediate neighbourhood to watch their proceedings. He had not a sufficient force at his disposal to besiege the castle; but he knew that a few of his well-disciplined soldiers could harass it incessantly, and might occasionally cut off considerable numbers of men on their approach to it or upon their retreat from thence. With these views, in the month of October, 1644, he placed a garrison at Barton Blount, which was well situated to intercept the communication between Tutbury and the northern parts of the counties of Derby and Stafford, and was not above four miles distant from the castle. In the intermediate plain many skirmishes occurred from time to time between these hostile stations, and the blood of many a brave soldier drenched the fertile banks of the winding Dove. The supplies of the garrison within the castle, were frequently intercepted by the predatory attacks from Barton House; and more peremptory orders were obliged to be sent by the officers in command there to the constables of the adjoining townships, who not unfrequently excused the disobedience of their orders, through the danger to which they were thus exposed. The following are specimens of the warrants that were issued upon these occasions:

*"To the Constable or Headborough of Marchington
cum membris.*

"These are in his Majestie's name, to charge and command you, immediately upon sight hereof, to bring to Tedbury castle to me foure sufficient able horses, or twenty pounds in money,

to provide the same towards the recruitinge of my troope. And if any of your parishioners refuse to contribute to the same, you are hereby required to bringe them to me, to answer their neglect. Fayle not, as you will answer the contrary att your utmost perills. Given under my hand the 6th of March, 1645.

*"GILBERT GERARD."*²⁶⁵

"To the Constable of Marchington cum membris.

"These are to charge and command you to provide and bringe into our Quarters at Tutbrerie upon sight hereof, provision for 100 foote. You are to continue the same dayly until further order. You are to be excused for all other quartringe. Hereof fayle not at your perills.

*Tutbury, You are to bring the provision
March 13, 1645. to Amye Drayton's house.*

*"JO. BOWYER."*²⁶⁶

"To the Headburrrow of Handbury, &c.

"These are in his Majestie's name, straitly to charge and command you to fulfill the warrant you received, under the hand of the right honourable Henry, lord of Loughborough, for provision for the persons infected²⁶⁷ in Tutbury. Hereof faile you not att your utmost perills. Given under my hand, att his majestie's garrison of Tutbury Castle, the 28th day of October.

"FRA: WARD."

²⁶⁵ A general in the king's army, and related to Sir William Gerard of Etwall, Derbyshire.

²⁶⁶ Colonel Bowyer was an officer in the parliament army, and signed Colonel Sir William Brereton's letter.— *See post.* He is supposed to have been related to Sir William Bowyer, a Staffordshire Baronet.

²⁶⁷ The garrison lost many men through sickness, as their supplies of provision became more precarious, and the disease was so infectious that it afterwards extended to the besieging army.— *See post.*

Another warrant bearing date Dec. 1645, and directed to the constable of Marchington cum membris, ordered him to provide and bring upon sight thereof, six loads of hay and ten quarters of oats, for his majesty's horse, and other sufficient provisions for the garrison at Tutbury: it is signed,

“FR. WARD, H. LOUGHBOROUGH.”

The constable of Uttoxeter paid General Egerton at Tutbury £30. on the 8th of February following, and General Gerard, in lieu of six horses and their accoutrements, £21. on the 29th of that month, besides other heavy payments for the provisioning of that garrison.²⁶⁸

On the 24th of May, 1645, being Whitsunday, the king himself, at the head of a large army accompanied by Prince Rupert, and a number of other officers who were attached to his cause, came to Tutbury: Sir William Kniveton, the governor of the castle there, afforded his majesty the best accommodation that circumstances would permit; but the town was too small for the quartering of any other than his body guard, so that the main army were under the necessity of proceeding to Burton. Sufficient troops for the king's protection were lodged in the adjoining villages, and upon this occasion Captain Symonds with part of a troop of horse passed the night at Rolleston.²⁶⁹ On the Tuesday following the king marched from Tutbury to Ashby-de-la-Zouch, and from thence to Leicester, which he took by storm on Saturday the

²⁶⁸ Old accounts of the constables of Uttoxeter.

²⁶⁹ Captain Symonds's Church Notes.

31st of May.²⁷⁰ After the fatal battle of Naseby, on the 14th of June in that year, he returned without stopping at Leicester to Ashby, where he slept, and the next morning went to Lichfield, where he received a loyal address from the citizens, and gathered together the remnants of his scattered forces. Once and only once again did the unfortunate Charles visit his loyal garrison at Tutbury, on Tuesday the 12th of August, 1645, in his way from Lichfield, attended by one hundred foot soldiers, which he had brought from thence: the next day he took leave of it, never to return, and proceeded to Ashbourne; but, during the course of his march to that place, he was much harassed by a party of five hundred horse from the garrison at Barton, who attacked the rear of his army, commanded by General Gilbert Gerard, and for some time impeded their progress; at length a sharp skirmish took place in which the royalists had rather the advantage. After they had lost four or five men, and had twenty more wounded, they took twelve prisoners, and joined the king on the afternoon of that day at Ashbourne.²⁷¹ The Castle of Tutbury was one of the last places within this county which held out for the king: the natural strength of its situation, and the well-known bravery of its garrison, rendered it almost impregnable. Repeated attempts had been made by the parliament forces to take it, but all had failed: success had attended their arms in other parts of the kingdom; the fortresses occupied by the royalists had been successively reduced, and a number of troops thus rendered

²⁷⁰ Ludlow's Memoirs, Nicholls's History of Leicester, &c.

²⁷¹ Captain Symonds's Church Notes and Journal.

disposable were gradually contracting the already limited district from which the garrison of Tutbury had to draw their subsistence. Provisions could no longer be brought there without sending forth a strong escort to protect the persons who furnished them, and even then repeated attacks were made by the parliament's horse, who not unfrequently succeeded in cutting off their supplies. One of the last encounters of this kind, of which we have any historical account, took place on the 16th of February, 1646, between a party of the royalists, who were bringing stores from Uttoxeter to the castle, and a strong body of soldiers from Barton House, who attempted to prevent their approach. Considerable loss was sustained on both sides, and neither of them claimed the victory.²⁷² The garrison of Tutbury, however, could ill support the loss of a single man; whilst, on the hand, that at Barton had no difficulty in recruiting their losses from other sources. Incessant fatigue and badness of diet at length produced their usual concomitant, disease; and daily deaths occurred within the walls. This calamity was quickly followed by the arrival of a large army under Sir William Brereton, which, about the 30th of March, closely invested the castle; yet the brave royalists were not disheartened; repeated sallies were made with varied success, and it is probable that they would have held out much longer had there been the least prospect of relief. But the king's affairs were now become desperate, and at the termination of three weeks, Sir Andrew Kniveton wisely considered that any further resistance in so hopeless a cause would be

²⁷² Sir George Wharton's *Gesta Britannovum*.

an obstinate and inefficacious waste of human life. On the 20th of April, 1646, the garrison of Tutbury under his advice listened to the honourable terms proposed by Sir William Brereton, and surrendered the castle into his hands. The following letter²⁷³ was sent by Sir William to the parliament upon this occasion by a relation of his own, who received from them the sum of £20. for bringing such welcome intelligence:

“ *Right Honourable,*

“ *In pursuance of your commands we have treated with the Governor, Commanders, and Officers in Tutbury Castle, and received the same upon the conditions herewith sent to your Honours, which we humbly conceive will be to your Honours' good liking, and the public service. And though we thought not fit, as knowing it not to be in our power to admit of any conditions for taking off sequestrations (which was much insisted upon); and because we apprehended that it might be of dangerous consequence, in regard of the sickness increasing both in the town and camp and abroad in the country, to admit of so long delay; we, therefore, the rather presumed to send up our humble desires of Sir Andrew Kniveton²⁷⁴ and Sir John Fitzherbert,²⁷⁵ that their sequestrations (if it be thought fit) may be remitted, whereunto we are the rather induced, because the composition of their estates (we humbly conceive) will not countervail the charge that the country must have undergone, had the siege been continued but a short time longer. Hereby you may much oblige us unto you, and, we hope, with-*

²⁷³ See Lords' Journals, vol. viii. p. 284.

²⁷⁴ Sir Andrew Kniveton, Bart. was of Bradley and Mercaston, in the county of Derby; he was so impoverished by the civil wars, that he sold the family estates, and the title is now extinct.

²⁷⁵ Sir John Fitzherbert was of Norbury in Derbyshire as mentioned above.

out prejudice to the service of the parliament, when they find our performance better than our engagements and undertakings. Notwithstanding we shall submit all to your Honours' pleasures; desiring that our endeavours may produce any thing which may render us worthy to be accounted, as we shall approve ourselves,

" Right Honourables,

" Your most faithful and

" Most humble Servants,

*Tutbury, 21st April,
1646.*

" WM. BRERETON.

" H. VERNON. JO. BOWYER."

" We did further agree with the soldiers, that those that desired to march for Venice should march without their arms, and have forty shillings a man for their accommodation; and those that went to any of the king's garrisons that are unbesieged (which we conceive will be few or none) to have thirty shillings; the rest (which we believe will be most of them) are to have neither arms nor money."

" Articles agreed upon for the surrender of the garrison of Tutbury, for the service of the parliament, April 20th, 1646.

- " 1. That all the fortifications in and about the castle be slighted, and the house made incapable of being made a garrison, and delivered into the hands of them who had the keeping thereof in time of peace; and that Barton House be also slighted, in like manner, as soon as possible, and delivered to the late owner thereof, he making his peace with the parliament.*

2. That all commanders, gentlemen, and officers in commission, may march away with their horses, and arms, and their own proper goods; and the common soldiers, with their swords, and arms, and proper goods, to any of the king's garrisons unbesieged, they marching eight miles a day, and carriages to be provided accordingly; and all those that desire it may have liberty to live at home, and enjoy their estates, submitting to the ordinances of the parliament, and to be secured in their persons and estates from violence and plunder.
3. That all officers and soldiers that desire to go beyond sea may have liberty to do so, provided it be within six weeks' time, next ensuing; in the interim to be protected, doing nothing prejudicial to the parliament.
4. That all that desire their sequestrations taken off, may have liberty to go to compound with the parliament, and to have three months' time for that purpose, without interruption; and after composition made and pardons sued out, they may have liberty to dispose of their estates as freely as formerly.
5. That the slighting of the said garrisons shall be begun to-morrow, and upon Wednesday next; and that all those that march from the said castle, according to the aforesaid articles, shall begin their march upon Wednesday next."

The two houses of parliament approved of these conditions, and agreed to take off the sequestrations

of Sir Andrew Kniveton and Sir John Fitzherbert, at the recommendation of Sir William Brereton ; but they hesitated as to the propriety of immediately dismantling the castle, and expressed their opinion that it should be preserved and not demolished.²⁷⁶ In consequence of this determination, the sentence of destruction was for the present deferred ; but the reprieve was of short duration, for by a vote of the House of Commons on the 2nd of March, followed up by another on the 19th of July, 1647, it was finally resolved “ that the castle of Tutbury be forthwith rendered untenable.”²⁷⁷

The damage it had sustained during the siege was, of course, considerable, and neglect would soon have accomplished their wishes ; but to prevent the possibility of its being re-occupied, the neighbouring peasants were negaged in crowds to level this majestic pile. Some, indeed, had so great a reluctance to the task, that they rather submitted to be fined, than to yield obedience to the hateful summons ; others, however, were found less scrupulous, and came fully armed with pickaxes, mattocks, and bars of iron, to carry on this work of spoliation ; perhaps a few might even be found, who, smarting under the recollection of recent exactions, secretly rejoiced at the prospect of thus exonerating themselves and their posterity from similar demands. The buildings within the area of the castle walls, were principally composed of wood-work, framed together

²⁷⁶ See Lords' Journals, vol. viii. p. 287.

²⁷⁷ See Journals of the House of Commons, vol. v. pp. 102 and 250.

and filled up with plaster pannels; these, since they could be thrown down with the least difficulty, were the first to suffer from this ruthless attack: the apartments formerly occupied by Mr. Dorell, the Scotch and French secretaries, and the Queen of Scots herself, were speedily levelled to the ground, and exhibited one indiscriminate heap of rubbish;²⁷⁸ but when these rude assailants attempted to disturb the massive stones of the presence-chamber, high tower, and other buildings situated near the walls,²⁷⁹ the compactness of the masonry resisted their efforts to such an extent, that they were glad to abandon their unprofitable employment, and fortunately for the gratification of the admirer of picturesque beauty, left the present relics of their former grandeur.

Part of these ruins, about the middle of the last century, were injudiciously converted into a farm-house, the consequence of which has been, that some of the walls have been barbarously defaced by the rude erection of hovels and pig-sties against them. In this house is a large chamber, where the manor-courts were held for a time; but it is now appropriated to no other purpose than that of an occasional store-room for the farmer's cheese. Within the walls is an area of about three acres, on the western side of which is an elevated mound, on which the Juliet or Julius' Tower, as Sir Ralph Sadler calls it, formerly stood, the site of which is now occupied by an

²⁷⁸ The site of these buildings is shown upon the engraved ground-plan of the castle.

²⁷⁹ These buildings form the principal part of the present ruins.



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ASTOR, LENOX AND
TILDEN FOUNDATION

artificial ruin ; on the lower and more level part of this space is the castle well, forty-three yards deep, and bearing marks of great antiquity. The remains of a broad and deep foss still surround three sides of the castle, over which (at the gateway I should imagine), Doctor Plott states, there had been "a large bridge standing within memory, that was made of pieces of timber, none of them much above a yard in length, and yet not supported underneath either by pillars or arches, or any other prop whatever."²⁸⁰

Several curiosities have from time to time been dug up in and around these premises, and no doubt many more might be found upon a diligent search being made. Some keys of a large size and antique construction, and a gold ring, with a cat's-eye onyx set therein, representing the head of a monkey beautifully carved,²⁸¹ may be noticed among these discoveries.

Within the castle walls there appears to have been founded at a very remote period a free chapel, dedicated to Saint Peter ; for in a grant from William, Earl of Derby, of the advowson of Spondon, in the county of Derby, to the hospital of Saint Lazarus, bearing the date of 1250, he reserves to this chapel in the castle of Tutbury, "two parts of the tithe of corn arising from his demesnes in Spondon, which the same chapel had from ancient time been accustomed freely and quietly to receive." In the tenth year of Edward the First, a patent was also granted to

²⁸⁰ Plott's Natural History of Staffordshire, cap. ix. sec. 88.

²⁸¹ This ring is in the possession of Mr. Thornewell, of Burton-on-Trent. The monkey's head was a favourite device of Cromwell's officers.

Edmund, Earl of Lancaster, for a chantry within the castle, and this grant was further confirmed in the twelfth year of Edward the Second.²⁸² Richard de Barton was admitted, by warrant from Henry the Fourth, in the fourth year of his reign, directed to the receiver of Tutbury, to receive and enjoy the profits belonging to the free chapel of Saint Peter, in the castle of Tutbury; and in the ninth of the same king's reign, the aforesaid profits were granted by patent to John Kent.²⁸³ In the twenty-fourth year of Henry the Eighth, (1532), Thurstan Curtenall was presented to the free chapel of Saint Peter, within the castle of Tutbury, and to the deanery of Hartington, in the county of Derby, belonging thereto, upon the death of Elias Broadbent, the former chaplain and incumbent of the same, upon condition that he should be resident at the said chapel, or else find a suitable priest in his room to perform divine service there. Soon after his perferment, this Thurstan Curtenall was involved in a dispute with Doctor Lee, master of Burton Lazars, respecting the tithes of Spondon, and the payment of an annuity of four marks from thence; upon which the following decree was made by the chancellor and counsel of the Duchy of Lancaster, in the thirty-second year of that king's reign: "Whereas complaynte hathe bene made to the chancellor and counsell of the Duchie of Lancaster, in the behalf of Thurston Curtenall, incumbente and chaplain of the

²⁸² Calend. Rotulorum patentium, and Calend. Inquis. post mortem. Edward the First.

²⁸³ Original MS. Register, temp. Richard the Second and Henry the Fourth, in the Duchy office.

king's free chapple, within his castle of Tutburye, parcell of the Duchie of Lancaster, in the county of Stafford : that whereas, the said incumbente, and all other his predecessors incumbents there, by a long tyme in recompence of two parts of the tythes of the demeane lands in Spondon, in the county of Derby, have been truly contented, and paid £2. 13s. 4d. in the right of the said free chappell of the maysters of the hospitall of Burton Lazars, in the county of Leicester, being parson of the parsonage of Spondon aforesaid, as by divers acquyttances and other writings thereof made, apperethe more at large unto till now of late ; that is to say, about two years past, one Doctor Lee, now master of the said hospital of Burton Lazars, unto which hospital the said parsonage is appropriated, as by a fine thereof levied by William, Earl of Derby, apperethe more at large, hathe wrongfullye denyed to pay to the sayd incumbente of the said free chappell the said £2. 13s. 4d. Whereupon the said Doctor Lee being called into the said court, to make answer to the premises, could not deny but that the said complaynant and his predecessors, being chaplains of the said free chapel, have been yearly paid £2. 13s. 4d. at two terms of the year, in recompence of and for the said two parts of the tythes of the demeane lands of Spondon ; but by what means, tytle, or conveyance, the said mayster and his predecessors, or their farmers, have had preysed and taken the said two parts of the said tythes, he knoweth not ; nor yet knoweth of any conveyance or assurance of the said tythes, made to any of the predecessors of the said mayster ; wherefore he now requirethe that some order

or decree may be made by this honourable court, for the assurance of the said tythes to him and to his successors, and he will be contented for him and his successors to pay to the said chaplain and his successors yearlye, the said annuity of £2. 13s. 4d. and the arrearages now due and unpaid. Whereupon it is ordered and decreed by the said chancellor and counsell of the said Duchie, by the mutual assent of either of the parties, that the said Doctor Lee, being now mayster of the said hospital of Burton Lazars, shall, from henceforth, have and receyve to him and to his successors, maysters of the said hospital, the said two parts of the said tythes of Spondon, in like manner and form, as the said mayster and his predecessors and their farmers have by long tyme had and received ; and that the said mayster and his successors shall from henceforth well and truly content, and pay or cause to be payde yerelye to the said complaynant and his successors, chaplains of the said free chappell, £2. 13s. 4d. at two feasts of the year; that is to say, at the feasts of Pentecoste and Saint Martin,²⁸⁴ in wynter, by even portions ; and also all such arrearages of the said annuitye, as is now due and unpaid to the said chaplain. Provided always, and it is also ordered and decreed, that the said order and decree shall not in any wise extende to be prejudicial or hurtful to John Brownell and Ellen his wyfe, now being farmers of the said parsonage, for any thing concerning or touching the lease, which the said John Brownell and Ellen now hathe of and in the said parsonage and tythes."

²⁸⁴ See the original decree in the Duchy Office.

“The said chapple and chaplain have annexed to them the peculiar jurisdiction of Hertington deanrie, and he is called dean thereof; and useth all spiritual jurisdiction within the same, in as ample and large a manner as other exempt ordinaries do; such as proving of wills, administrations of goods, &c. Also the said chaplain hath for his fees, of the receiver of Tutbury honour, for the time being, commonly paid every year at the audit-time, £3. 16s. 10d. sterling; and also he is allowed of the said receiver for bread, wine, and wax, 6s.; and all vestments, and books, and other necessities to say divine service withall, to be allowed of the king's costs. Also he hath allowed him for his fire, by the auditor, surveyor, or receiver. Furthermore, he hath four marks sterling of the proprietaries of Spondon, the master and brethren of Burton Lazars, in Leicestershire, which four marks have been paid to Spondon by the farmers there, for the two parts of tithe corn, which William Ferrers, Earl of Derby, did reserve to his chaplain, of his free chapel, within Tutbury Castle, ‘*de dominico de Spondon* ;’ as it doth appear by a certain fine made between the said William, Earl Ferrers, and the master of Burton, aforesaid, a true copy of which now remains in the register at Lichfield, under the custody of the dean and chapter there, or else by their assignment with the clerk of the chapter, in such book as the appropriation of Spondon is written. And the said four marks have been accustomed to be paid at the feasts of Pentecost and Saint Martin in winter.”²⁸³

²⁸³ Extracted from MSS. in the Duchy Office.

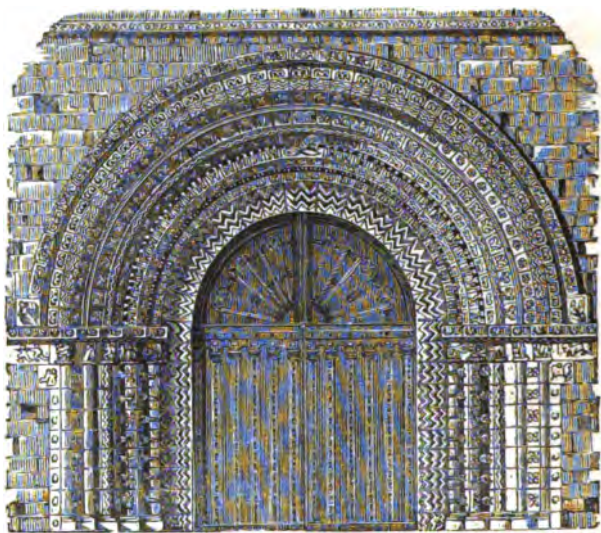
Egidius Hornolde was the last incumbent of this chapel, and at the time of the dissolution received a pension of £6. for life.²⁸⁶ The advowson of the church of Spondon was granted by the king, in 1544, to John Dudley; and the deanery of Hartington, is now the property of the Bateman family, having being acquired (by purchase, I believe) from the late Earl Beauchamp.²⁸⁷ The site of the free chapel is now unknown, unless it stood on a detached spot at the north-western angle of the castle area, subsequently occupied by a store-house and pantry during Queen Mary's imprisonment there.²⁸⁸ Sufficient notice has already been taken of this insignificant religious foundation, particularly as it now becomes requisite to enter upon the history of one, that, by its ample endowments, acquired in past ages considerable importance; and by the architectural beauty of its present remains, vies with the boasted pre-eminence of the neighbouring castle. With this brief introduction, I shall submit to the perusal of the indulgent reader, in the following pages.

²⁸⁶ MSS. in the Duchy Office.

²⁸⁷ Lyson's Derbyshire. The late Sir Hugh Bateman, Bart. left two daughters co-heiresses: the eldest married Sir E. D. Scott, Bart.; and the youngest, Sir Alexander Hood, Bart.

²⁸⁸ See ground-plan of the castle, ante.

WEST DOOR OF TUTBURY CHURCH.



The dimensions and proportions of the superb doorway engraved above are as follow :

	Ft.	In.
Height of the opening, to the centre of the inner arch,	14	0
Width of the same,	9	6
Inner rim of the arch in breadth,	1	1
The next four rims, each,	0	11
The sixth rim,	1	1
And the last or outermost rim, which projects six inches and a half from the perpendicular face of the wall,	0	8
Height of each column, including base and capital,	9	2
And the whole arch recedes from the face of the wall of the church,	3	10

AN
ACCOUNT
OF THE
PRIORY OF TUTBURY.

THIS religious edifice, as I have before observed, was indebted for its origin to the piety of Henry de Ferrers, the ancestor of the ancient earls of Derby. He is said to have commenced the building of it in the year of our Lord 1080, and it was probably not completed before his decease, although his remains were deposited in the priory church. The church was erected within three hundred yards of the south-eastern angle of the castle walls, upon the declivity of the same hill; and the cloisters, dormitory, and other apartments for the monks, immediately adjoined the church on the north side. The extent of ground covered by these buildings exceeded three acres; and

although no vestige of them has escaped the ruthless hand of the early possessors of the priory subsequent to the dissolution, the foundations, which may still be seen in various parts of the field adjoining the church, sufficiently indicate their size and importance. No expense was spared in rendering the whole fabric at once beautiful and commodious; but the most elaborate execution was reserved for the ornaments of the great western doorway of the church, a representation of which is given in the annexed wood-engraving. The smallness of the scale, however, unfortunately conveys a very inadequate idea of the arrangement, variety and beauty of its sculptured decorations.

The inner rim consists of the common zigzag moulding, which passes up the sides and over the centre. The next rim is of alabaster, and, what is somewhat singular, in better preservation than several of the others, which are formed of stone; this rim is supported by columns, and the devices upon it are griffons' and birds' beaks, curiously twisted in groups of three together, with a flat member above them, on which is a lion couchant, extending over each group of beaked heads. The third rim from the opening is decorated with tigers' heads in pairs, with leaflet scrolls issuing out of their mouths, and a lion couchant over each pair; this rim is also supported by columns. The fourth rim is divided into two parallel mouldings; the innermost of which is of the zigzag pattern, and the other leaflet scrolls. The fifth rim is also divided into two parallel mouldings, the one plainly fluted, and the other studded with roses at intervals; both these last-mentioned rims also rest

upon the capitals of columns. The sixth rim, which also rests upon columns, again exhibits the zigzag pattern with plainer leaflets above. And the outermost rim, which has no columns, but rests upon a projecting string course, is decorated with animals twisted in circular compartments. The capitals of each column are variously ornamented with grotesque figures of animals and men, and a larger representation of a lion couchant, is placed on each side of the outer capitals, under the projecting string course. The window above this doorway, presents a rich assemblage of similar devices; and the walls on each side of it are highly ornamented with recesses, in which the Norman arches bisect each other, so as to give an indication of the origin of the Gothic. The splendid effect of the whole of the western front, far surpasses any idea which the most faithful description can convey. The foundation charter may be thus translated:

“ In the name of the sacred and undivided Trinity, I, Henry de Ferrers, have founded a church in honour of holy Mary, the mother of God, near to my castle of Tutbury, for the soul of King William and Queen Matilda, and for the health of my father and my mother, and my wife Berta, and my sons, Eugenulph, William, and Robert, and my daughters, and all my ancestors and friends. And for the use of this church, and of the monks serving God there, I have given a town which is called Marston, except eleven oxgangs of land, and the fourth part of the meadows; and my wife Berta has given a town which is called Doveridge, with all customs, and with my free will. We have also given a town which is called Little Broughton, which adjoins Doveridge aforesaid, with all customs which I hitherto have had in the same three towns. And further, we have endowed it with the parish of my castle,

and the tithe of my revenue (tolonei), from the same castle, and the tithe of my wine, and of all my hunting, and my pannage, and in my wood, timber for fuel and building as much as they want. And in my water free fishery, and the tithe of my honey, as also the tithes of my demesne of Tutbury, Scropton, Rolleston, Barton, Saperton, Moginton, Overton with one villain, and Pyry with one villain: the tithe also of Stapleford with one villain, the tithe also of Carston with one villain, and of Scropton with one villain, except the third part, which is annexed to the churches of the same towns: the tithe also of Duffield with one villain, except the third part reserved for the church; and the church of Matherfield (Mayfield), with the tithe and whatever belongs to the church, with one free-man (homine), and of Norbury in the same manner, and the tithe of Brassington and Tissington. Nevertheless I give this church, and whatever I have either already contributed thereto, or shall hereafter wish to contribute to my church at Tutbury, and to my monks serving God there, by the concession and authority of William the younger, king of the English, as it has been ordained at Marlborough before the aforesaid King William."

To this ample endowment, Robert de Ferrers, the second Earl of that name, after confirming all that his grandfather Henry, or his uncle Eugenulph, or his father Robert, had granted, among which he recites the above, and land at Saxeby, except the third part of the tithes there, which were annexed to the church, and five parts of the tithes of Wymondsham and Thorp; and the towns of Broughton, Norbury, and Edlaston, which his father had given in exchange for a town called Stanford, and nineteen bovats of land in Mercaston: added the tithes of his demesne of Hartshorn to the town of Osmaston, which Alfin de Brailsford, by the consent of the former

Robert de Ferrers and of Nicholas, the son of Alfin, had given. He also confirmed all the following donations, which had been made to this ecclesiastical establishment, namely, the church of Catton, with the tithe and other appurtenances; the church of Wyaston, with two yard lands and their appurtenances, which Nigel de Albini and Amicia, the daughter of his grandfather, had given; the gift of Sewallis de Shirley of two parts of his demesne of Hoon, and four acres of land contiguous to the town of Marston; two parts of the tithe of Ash and Orleston, given by Ralph de Bakepuz; two parts of the demesne and tithes of Sudbury, Aston, and Osleston, which were given by John; two parts of the tithe of his demesne of Thurstaston and Osmaston, and four oxgangs of land in Holinton, given by Elfin; two parts of his demesne of Ash, given by Robert, the son of Serle; two parts of the tithe of his demesne of Swinfen, given by William de Rolleston; two parts of the tithe of his demesne of Dalbury, by Robert le Dun; two parts of the tithes of his demesne of Trussley, and two oxgangs of land, by Hugh le Arbalester; two parts of the tithes of the demesne of Somersby and Dalby, by Roger Levet; two parts of the tithes of the demesne of Barton, by Robert Hunter; two parts of the tithes of his demesne of Hynges and Bumoneston, by Henry de Findre; two parts of the tithes of his demesne of Barowcote, given by the brother of the aforesaid Henry; two parts of the tithe of his demesne of Herbubury and Chesterton,²⁸⁹ given by Vasolin; two parts of the tithe of his demesne of

²⁸⁹ In Warwickshire.

Hilton and Summershall, by Ernulph de Bec; two parts of the tithe of his demesne of Twyford and Stenson, by Ulsius; two parts of the tithes of his demesne of Seal, given by Robert, the son of Widelin; two parts of the tithe of his demesne of Makeley, given by Horrefastus; half a plough land in Holinton, by Ralph de Instanval; two parts of the tithes of his demesne of Shirley, given by Tole; two parts of the tithes of his demesne of Sturston, by Chetell; two parts of the tithe of his land at Marston, given by William; two parts of the tithe of his demesne of Ireton, by Orme; half a plough land in Egginton, which lies at Hardgates, given by Anselin of Egginton, with the consent of Geoffry Anselin, his lord; two parts of his demesne of Thurvaston, given by Robert Saint Quintin; and two parts of the tithes of his demense of Findern, by Stephen. He also confirmed a grant made to the said monks of Tutbury, by Henry, the son of Sewallis, of one plough land, called Newton; and of two oxgangs of land, which Ralf, son of the hunter, gave for the souls of his wife and of his ancestors, in Holinton, free from all service. He also added the tithe of the New Borough,²⁰⁰ which his father had raised, and which he had increased, and of all future increase there, and of his fair, and of all his revenue arising from thence, however paid, whether in money, or in wax, or otherwise; so that if the aforesaid town, or the revenue thereof should increase, the tithe

²⁰⁰ This grant of the tithes of New Borough appears by another deed of the same Robert de Ferrers, dated A. D. 1141, to have been made in lieu of a mark of silver, which Robert, the son of Walkelin, of Radburn, paid every year from Egginton, after the death of Hawise, mother of Robert de Ferrers.

might increase also. He also permitted the said prior and monks to make a trench in the moor of Uttoxeter, to preserve their fields; and gave them the branches of willows and osiers, which hang over the water, for the improvement of their wet lands, which were often injured by floods. He also confirmed another grant made to them, by Gilbert de Foston, of twelve acres of land on Cleyhill, and the meadow of Mara, and three acres of broken ground, which Jordan, the nephew of Henry, the son of Sewallis, added to the gift of his uncle at Newton.

William, Earl Ferrers, further endowed this priory with a certain oxgang of land in Marston, for the salvation of his soul, and those of his wife, Sibilla, and his children. He also confirmed the gifts of Henry de Ferrers and Eugenulph, and Robert his grandfather, and Robert his father. This earl caused the body of his ancestor, Henry de Ferrers, to be translated and deposited on the right hand of the high altar, in the Priory church; a tomb with a recumbent figure, representing Henry de Ferrers, was also erected in this spot, upon which was the Latin inscription mentioned in the foregoing part of this work,²⁰¹ the meaning of which I take to be as follows:

“Here lies Henry, Earl of Ferrers, founder of this church, whose name the above image bears. In the year of our Lord, 1080, the Priory of Tutbury was founded by this new patron.”

William de Ferrers, son of William, Earl Ferrers,

²⁰¹ Page 7.

for the health of his soul, and the souls of Agnes his wife and of their ancestors, confirmed all the former grants to the church of the blessed Virgin Mary, at Tutbury, in his court there; and added the tithes of his profits out of the Forests of Needwood and Duffield, both of pannage and venison, honey and rents, and of all assarts made and to be made in either of his said forests.²⁰²

William de Ferrers, Earl of Derby, gave to this priory, the village of Thornihills, now called Thorny-lanes, within the forest of Needwood, with all the appurtenances thereto; and free agistment with common of pasture, in and out of the said forest; and one hundred and seventy-two acres of land within these boundaries, namely: "From the cultivated fields of Agardsley, on that part adjoining towards Hanbury, to the corner of the meadow of Agardsley; and from the higher part of the meadow of William de Foston, through the trench towards Prestely to Withinsich, and so going down from Withinsich, to the Hay, or inclosure of Robert Rokele; and from thence, going forward beyond the houses of Hugo Maveisin; and so back by the way leading to Hoarcross, as far as the corner of the inclosure of Walter Karles, and so across it to the fields of Agardsley, towards Hoare-cross." He also gave the priory and monks house-boote, hayboote, and pannage for their hogs within Needwood.

William de Ferrers, Earl of Derby, likewise gave them the hermitage of Agardsley, with all lands, meadows, and rights belonging thereto; and common

²⁰² Register of Tutbury Priory.—*Cartæ fundatorum*, 57 and 75.

of pasture for all their cattle in Needwood,²⁹³ with the privilege of constantly sending, when they pleased, a wain with four horses for dead wood, between Marchington and Ailwardsly, and between Swerbourn and Pilesbrook.²⁹³

Sawal, son of Fulcher, in the time of Fulco, prior of Tutbury, gave to the church of St. Mary and the monks residing there, his coppice, (*virgultum*) which was under the castle, and had belonged to Henry, the son of Sawal, his uncle; and all the lands which belonged to himself in fee, between the hedge of the coppice of the monks, and the way leading from the castle-gate to the Mill-gate, by the consent of William, Earl Ferrers, his lord, and Henry, the donor's eldest brother, and Matilda Ridel, his wife.²⁹⁴

Ralph le Foun gave and confirmed to the prior and convent of Tutbury, for the health of his soul, and those of his wife Germane, their ancestors and heirs, the fourth part of one rood of land and meadow, forming part of Miriell's meadow, at Tutbury, with a certain spring of water there situated, which spring was formerly called Blakewell, with all easements to the same belonging, and power to enter upon his land at all times to cleanse, rinse, dig about, and make ditches from the same on every side according to their discretion; and to make use of, hold, and enjoy the stream issuing from the said spring, or any other that might be found in his land, and to conduct the said water by a conduit or by any other means through the whole of his land or meadow ground, to the said

²⁹³ Register of Tutbury Priory. *Cartæ fundatorum*, 79 and 80.

²⁹⁴ Ibid. 142.

priory; and to enter upon his land for the purpose of cleansing and repairing the said spring, stream, and conduit, and of throwing out soil from the same, whenever it might be deemed requisite by them so to do."²⁹⁵

The priory, previously to this grant, had been very badly supplied with water, for which the monks had paid dearly, for although the river ran at no great distance, they had discovered no means of raising it from thence to the higher level on which their habitation stood. The lords of the castle, which was on a site still more elevated, had found an ample supply, by sinking at a vast expense a well, more than forty yards deep; but the monks had not been equally successful. They were glad, therefore, to avail themselves of a plentiful spring, which was nearly on the same level with the priory, and to convey the water from thence, through pipes for nearly a quarter of a mile. The source of this supply is still in existence, and several steps are yet visible in the pit from whence it issues; the field, in which it is situated, is also known by the name of the Conduit Meadow; and about thirty years ago a great quantity of leaden pipes were taken up in the land adjoining, which evidently had a communication with this spring.

Robert de Ferrers, the last Earl of Derby, confirmed all the donations of his ancestors; and also gave a rent of five marks of silver, arising out of his mills of Tutbury, to the prior and convent there.²⁹⁶

²⁹⁵ Ibid 204. From the same register it also appears, that William Breton granted leave to the prior and monks to carry the water-course from this spring through his land without any interruption, under a penalty of forty marks sterling, should any such take place at any time.

²⁹⁶ Register of Tutbury Priory, 91.

This priory, however, suffered much damage in consequence of his rebellion; the church attached to it was so dilapidated, that it was found necessary to take down a part, and it remained in a ruinous state until the honor of Tutbury had passed into the hands of Edmund, Earl of Lancaster. It is probable that the south aisle was rebuilt by him, and finished by his son, who was a great favourite with these monks, about the year 1307, when they, in return for this pious deed, added the two following lines²⁹⁷ to the inscription upon the monument of their founder:

*"Anni trecenti septem cum mille fuerunt,
Quando recesserunt Normanni, lege retenti."*²⁹⁸

In the eighteenth year of the reign of Edward the First, that king commanded John le Forster and John de Leke, keepers of the chase of Needwood, to permit the prior of Tutbury to have three carts twice a day in that forest, to carry green wood from thence for the new buildings and repairs of the priory.²⁹⁹

William the prior, and the other monks of this convent, in 1125, gave to William Fitzherbert the village of Norbury in fee, for the annual payment of one hundred shillings and other services; and on the 27th of January, in the twenty-sixth year of the reign of Henry the Sixth, Nicholas Fitzherbert and Ralph, his son

²⁹⁷ In the *Monasticon Anglicanum* and the foundation charter in Tutbury Priory Register.

²⁹⁸ The meaning of these lines I take to be, that in the year 1307, the Norman Lords of Tutbury had departed, having been withheld from resuming their property by the law of attainder which had passed against the last Earl of Derby.

²⁹⁹ Register of Tutbury Priory.

and heir apparent, gave to Thomas Gedney, the then prior, and the monastery of the Blessed Virgin at Tutbury, all their lands, tenements, and rents in Osmaston, in the county of Derby, besides one messuage, called the Hall Place, and fifty-seven acres of land in Foston; one other messuage and twenty acres; one acre and two parts of an acre in Church Broughton, in the same county; in exchange for the reserved rent and other services which were due to the said prior and convent out of the estates at Norbury.³⁰⁰

William de Eyton delivered up to the prior and convent of Tutbury all claim which he had to a park at Doveridge called the Holt.³⁰¹

Many other grants, besides those enumerated above, were made from time to time in favour of this religious establishment.

The tenure roll of the hundred of Offlow, written in all probability about the period of the attainder of the last Earl of Derby, recites, that the prior of Tutbury is said to have been enfeoffed by a certain predecessor of the Earl of Derby of land which he holds of him in Tutbury, and exercises the right of hearing all pleas in his court excepting forbidden distress, and has view of frank pledge without the viscount, but it is not known by what authority.

In Pope Nicholas's taxation, taken in the year 1291, in the nineteenth year of the reign of Edward the First, the revenues of the Prior of Tutbury, in the deanery of Alveton, in the diocese of Lichfield and Coventry, were found to be,

³⁰⁰ Register of Tutbury Priory, 88 and 89.

³⁰¹ Ibid. 196.

	£.	s.	d.
At Wootton one plough-land of the yearly value of ..	1	0	0
And of stock, (stauro)	0	10	0
The rent of assize there per annum,	1	0	0
A mill there worth annually,	0	10	0
Pleas and perquisites of the yearly value of	0	4	0
In the town of Tutbury half a plough-land of the yearly value of	0	10	0
At Mayfield one plough-land of the annual value of..	1	0	0
A mill there worth by the year,	2	0	0
Pleas and perquisites there producing yearly,	0	4	0
The rent of assize there annually,.....	2	0	0
Profitable stock there annually,.....	2	0	0
<hr/>			
Total,.....	10	18	0
Of which a tenth,.....	1	1	9½
And one penny over not tithed.			

In the archdeaconry of Derby and the Deanery of Castillar in the said diocese,

	£.	s.	d.
At Doveridge two plough-lands valued per annum at	1	10	0
Of profitable stock,	1	10	0
Rents of assize per annum,	5	0	0
A certain garden per annum,	0	3	0
A mill there of the yearly value of	1	10	0
Pleas and perquisites producing yearly,	0	6	8
At Ednaston one plough-land of the annual value of..	1	10	0
Pasture land there worth yearly,	0	2	0
Rent of assize producing annually,	2	0	0
Pleas and perquisites,	0	3	0
At Broughton one plough-land worth yearly,	2	0	0
Rents of assize annually,	1	0	0
Of stock,	1	0	0
At Marston one plough-land valued per annum at....	1	10	0
Rent of assize annually,	1	0	0
Of stock the yearly value,	0	10	0
At Edulneston in the deanery of Ashbourne two plough-lands valued per annum at	1	10	0

	£.	s.	d.
The rent of assize there annually,	1	0	0
And from stock there,	1	0	0
Total,	27	4	8
A tenth,	2	14	5½
	Taxed at	Tithed at	
	£. s. d.	£. s. d.	
In the archdeaconry of Coventry, and the deanery of Tamworth and Tutbury, the Prior of Tutbury had the church of Tutbury,	7	13	4
And in the deanery of Coventry from the church of Herberbury,	0	12	0
		0	1 2½
In the archdeaconry of Derby, and deanery of Derby, the said Prior had an income from the church of Mugginton,	1	6	8
And from the church of Duffield,	10	0	0
In the deanery of Ashbourne from the church of Bradbourn,	16	0	0
In the deanery of Castillar, from the church of Etwall,	1	16	0
From the church of Brailsford,	0	2	0
From the church of Dalbury,	1	0	0
In the deanery of Repton, from the church of Hartshorn,	1	6	8
		0	2 8
In the diocese of Lincoln, the archdeaconry of Leicester and Rutland, and the deanery of Framland, the Prior of Tutbury took a portion of the revenues of the church of Coston, valued at	16	0	0
Of which the portion of the tenths were,	1	6	8
The church of Wymundham,	19	10	4
The church of Thorpe,	23	6	8
Of which churches the said Prior receives under the name of a pension,	1	13	4
The church of Stapleford, a pension received by the said Prior from it,	2	0	0

£. s. d.

The taxation of the temporal goods of the Prior of Tutbury,				3	12	3
In Framland deanery,	3	0	0			
In Akeley,	0	10	0			
In Sparkenhoe,	0	2	3			
Total,				3	12	3
In the archdeaconry of Northampton, and deanery of Preston, the Prior had from rents in East Perry, ..	0	5	0			
In the diocese of Sarum, archdeaconry of Berkshire, and deanery of Abingdon, the said Prior had at Stanford possessions taxed at 5s. and tithed at	0	0	6			
In the Diocese of Llandaff, the said Prior also had the church of Llanblenyan, alias Llanblethian, and the church of Llannylhwyt, of which the Abbot of Tutbury was rector, worth in spiritualities,	60	0	0			
The Abbot of Tutbury receives from the Prior of Eywenny, for 60 acres of land yearly rent,	1	0	0			
In the diocese of York, archdeaconry of Nottingham, and deanery of Bingham, the chapel of Tutbury has a portion of the revenue of the church of Lek, which the moniales minorissæ from Aldgate, ³⁰² London, hold,	5	0	0			

In the twenty-first year of the reign of Edward the First, amongst the taxations of the goods spiritual and temporal of the clergy in the archdeaconries of Leicesters, Derby, and Stafford, this priory is stated to have had therein lands, rents, and other sources of revenue, which were then taxed at £60.³⁰³

³⁰² This Nunnery was founded by Edmund, Earl of Lancaster, for Nuns of the order of Minors, brought into England by Blanch of Navarre his wife.

³⁰³ In the rolls of particulars of taxation of goods temporal and spiritual in the King's Remembrancer's Office.

In the eighteenth and twenty-second of Edward the Second, the extent of the lands belonging thereto in the counties of Derby and Stafford was thus stated:

	£.	s.	d.
The manor of Doveridge, with the appurtenances, . . .	72	19	5½
The vicarage of the same, (eight marks),	5	6	8
Edulveston, (Edlaston), a capital messuage and lands, . . .	20	2	7
Osmundeston, (Osmaston), rents, services, &c.,	13	7	9
Merston, (Marston), a capital messuage and lands, . .	22	11	7½
The vicarage there, (five marks),	3	6	8
Brocton, (Church Broughton), a capital messuage with lands, rents, and other appurtenances,	13	14	8½
The advowson of the church there,	20	0	0
Ednaston and Holinton, a capital messuage, lands, &c. . .	16	18	7
Tutbury, Richard de Mulneton's tenement, and rent for eels,	2	0	0
Lands in the same,	8	8	0
In Shirley and Duffield forest,	18	8	0
The manor of Matherfield, (Mayfield),	11	16	6
The clear annual value of the church there, exclusive of £6. 13s. 4d. received by the canon of Lichfield from thence,	2	0	0
The free rent of Matherfield,	6	7	8½
The rents of the naifs, or natives ³⁰⁴ there,	9	0	0
The rents of the cottages there,	1	10	8
The manor of Wetton with appurtenances,	20	16	2½ ³⁰⁵

In another taxation which took place in the reign of Edward the Third, the ninth of corn sheaves, lambs, and fleeces due to the church of Tutbury was valued at £5. and no more; the prior had one plough-land with which the said church had been

³⁰⁴ Native tenants are those who hold native land, that is, land subject to the services of natives. — *Spelman's Glossary*.

³⁰⁵ Among the Extents, &c. 18th E. fil. Regis. E. in the King's Remembrancer's Office, and in the Register of Tutbury Priory.

endowed, valued at £1. per annum; the tithe of hay was estimated at ten shillings, and the oblations at £1. 3s. 4d. a year.³⁰⁶

The limits between the parishes of Tutbury and Hanbury, in the fields between the castle and the old water of the Dove, were so ill defined as to lead to perpetual disputes between the prior of the former place, and the rector of the church of the latter; at length an agreement took place between them, which, because it may perhaps tend to solve some modern doubts upon the same subject, I shall here introduce:

“This is the division of the tithes of the land and meadow beyond the water of Dove opposite to the castle, and towards the bridge of Tutbury between the prior of Tutbury and the rector of the church of Hanbury, that is to say, in the field of Scropton, between Scropton and the old stream of the Dove towards the castle, from a certain piece of tillage land called Briery Furlong, the demesne land of the prior of Tutbury, lying in width between a certain balk which is between Pylecotesflat, and the said tillage land on the one side, and the land of the said prior called the Green End near Dove on the other side, and in length from a certain sicket or little meadow as far as a meadow of the said prior lying at the head of the meadow of John Davy; the said prior shall receive for tithe two sheaves, and the said rector one sheaf. And from a certain piece of tillage land of the said prior, lying between a certain white thorn near the meadow of the said John Davy, and the head of

³⁰⁶ Inquisitiones Nonarum, temp. Edward III.

the said old watercourse, the aforesaid rector shall receive two sheaves, and the prior one sheaf; and from the six selions of John Davy lying together at the head of the said piece of tillage land of the prior towards Tutbury, the aforesaid rector to receive the whole tithe; and from a certain piece of tillage land of Richard de Burton, called Pylecotesflat, there, and also from all the meadow and arable land of the said John Davy, lying between Pylecotesflat and the said white thorn near the land of the said prior, the aforesaid rector shall receive the whole tithe of corn and hay. Likewise from a certain piece of land there called the Inner Trench lying under the said castle, and near the said meadow on the outside of the paled fence of the aforesaid meadow, and also from one piece of land there called the Outer Trench lying at the end of the first-mentioned Inner Trench towards the meadow of Scropton, from thence the rector of the church of Hanbury shall take the whole tithe of corn or hay, namely, from both these pieces of land."³⁰⁷

Henry de Ferrers and Margaret his wife granted to this monastery the tithe of the skins of the stags taken by the dogs of the Earl Ferrers, which they had by hereditary right.³⁰⁸

Henry de Houndhill granted to the same fifteen acres of land in his assarts of Rowley.³⁰⁹

Walter de Ridware by a deed without date, acknowledges that Nicholas, prior of Tutbury, granted and confirmed to him and his heirs for his homage and

³⁰⁷ Register of Tutbury Priory.

³⁰⁸ Ibid. 131.

³⁰⁹ Ibid. 161.

service, six acres of meadow, which Robert, son of Everard, gave to this house, with the service of his body, to be held of the same at a rent of 6s. 8d.³¹⁰ Roger, son of Roger de Ridware, also released to the said priory six acres of meadow in Draycott.

There appears to have been some charge preferred against the above-mentioned prior Nicholas by the monks under his care, as to their diet; the worthy fathers had been kept for some time perhaps upon short commons, and they began to think it hard that their superior should reap all the benefits of their ample revenue, and stint them in so important a department as their kitchen. In consequence of some such complaint, a singular composition was made in the year 1230, between this prior Nicholas and the convent; that the prior should find annually for the use of their kitchen twenty-six marks of silver, to be paid from the following sources, and at the times there specified; that is to say, at the feast of St. Michael, out of the farm of the burgesses of Tutbury, £1. 8s. 9d.; of the tithe of the market, 1s. 6d.; and of William, chaplain of Tutbury, £1.; of Ralph le Foun, 2s.; from Ansley, 1s.; of William, chaplain of Barton, 2s.; of Roger de Dun, 6s. 8d.; and at the purification of the Virgin Mary, the mill of Matherfield (Mayfield), £2. 13s. 4d.; of the chaplain of Tutbury, £1.; of Gilbert de Merston, 10s. 4d.; and at Easter, of the tithe of the market, 1s. 6d.; of Matherfield mill, £2. 13s. 4d.; and of the chaplain of Tutbury, £1.: and at the feast of John the Baptist,

³¹⁰ Register of Tutbury Priory, 122.

of Matherfield mill, £2. 13s. 4d.; and of the chaplain of Tutbury, £2. And if the said money happened not to be duly paid, the prior should make up the deficiency out of his treasury. He was also to find thirty good live hogs, except one for himself, and this if it should be a very fruitful year; but if the year should not prove so fruitful, he should then find ten sufficient live oxen instead of the hogs. He was also to provide them with six sextaries or quarts of sagimen³¹¹ annually, and forty-five cheeses; three pounds of pepper, and three of mustard, and one sextary of salt at the feast of St. John. In Advent he was also to procure for them five bushels of white beans, and at Easter one quarter of the same, with one quarter of flour; and the prior also undertook to bear the whole cost of the great feast given on the day of the Assumption of the Virgin Mary.³¹²

The priory of Tutbury was originally supplied by its founder with monks of the order of Saint Benedict, from the abbey of Saint Peter upon Dive in Normandy.³¹³ The rules of their order were at first very strict: their garments were to be made of the coarsest and cheapest stuff; their beds to consist of a mattress of straw, a piece of serge, a blanket and a pillow; and perpetual abstinence from flesh meat was enjoined, whilst two meals a day, a pound of bread, and three quarters of a pint of wine, formed the whole of their scanty allowance. This severe discipline, however,

³¹¹ Sagimen is a Monkish Latin word for Forcemeat.

³¹² Register of Tutbury Priory, 296.

³¹³ This Abbey was situated upon the river Dive, in the diocese of Sees in Normandy, and in the modern department of Calvados.

soon became more relaxed, and excesses were even tolerated upon some of the greater festivals: immense quantities of flesh meat, particularly swine, were partly consumed in the monastery, and partly distributed amongst their more indigent neighbours. The monks claimed from their prior as a right, what they had formerly been allowed only as an indulgence, and we may observe, from the curious agreement above mentioned, between Prior Nicholas and the other members of this convent, with what jealousy they guarded against any future deprivation of their luxuries. In the year 1249 a general chapter of the order was held at Oxford, in which several statutes were passed for the purpose of correcting these irregularities. Pope Gregory the Ninth, and his successor, Innocent the Fourth, also ordained statutes for a similar purpose, in which they strictly prohibited "those exhibitions of flesh which have hitherto been allowed in some monasteries at certain times, and also *the stuffings of mince-meat.*" This passage in the statutes here alluded to, will tend to explain the word "sagimen," which occurs in the agreement between Nicholas and his monks. These attempts to check the evils complained of were so unpopular in the convents, that little attention was paid to them; they were calculated to enforce obedience to outward forms, but not to improve the inner man, for which reason they failed to produce any good effect.³¹⁴

Whether Tutbury should properly be classed amongst the alien priories is doubtful; but it is cer-

³¹⁴ For a translated copy of these statutes see Stevens's Additions to Dugdale's *Monasticon Anglicanum*.

tain, that from time to time the abbot of St. Peter upon Dive exercised, or attempted to exercise, authority over it. It was seized by King Edward the First as such, and the prior had a confirmation of his office, and letters of protection from him.³¹⁵ About the year 1340, Pope Benedict the Twelfth favoured the plans of the abbot of St. Peter, for resuming the superiority over this priory, and a suit in the papal court was the result: his successor, Clement the Sixth, decided, however, against such right, as the following decree, made on the 5th of July, A. D. 1342, more fully proves :

“ Clemens, &c. &c. to Magister Thomas Fastolf, Archdeacon of Norwich, our chaplain, Henry de Idelworth of London, and Richard de Thormerton of Exeter, canons.

“ The petition of Radulph de Derby, sub-prior, William de Duffeld, John de Bradebury, John Joliff, Thomas de Wodehouses, Thomas Donyngton, Robert de Murcaston, Radulph de Coventry, and Richard Aschebury, monks, and the convent of the priory of Tutbury (at present wanting a prior) of the order of St. Benedict, in the Diocese of Lichfield, exhibited to us, did contain; that the said priory is lapsed to the Bishop of Lichfield (who is for the time only in all things acting under the ordinary of the place) and that the free election of the prior to the said convent, and the acceptance of the monks of the said priory, are known to appertain to the prior of the said priory who is for the time being, and to the aforesaid convent, from an ancient and approved custom hitherto peaceably observed, and also that the Bishop of Lichfield has been for a time in peaceable possession, either as it were of a right of exercising in every

³¹⁵ Ibidem in the list of monasteries that received protection from that king.

thing the same ordinary jurisdiction over the persons of the said priory and the said prior, and that the said convent had been some time in peaceable possession of the right of freely electing the prior of the said priory as a prior thereof for the time being, and also of creating monks of the said priory from time immemorial: and that the said priory neither has been nor is in any thing subject to the abbot and convent of St. Peter super Divam of the same order in the Diocese of Seez in Normandy; yet the said abbot and convent falsely asserting that the said priory and monks thereof were subject to them, and that the said monks ought to obey the admonitions and mandates of the abbot of the said monastery, and ought to perform and do obedience, reverence, and subjection to the same as to their superior, and that it belonged to him to nominate on each vacancy of the said priory whosoever assumed and exercised the duties as prior, and to send from the said monastery to the said priory all and singular the monks to dwell in the said priory, and falsely suggesting to Pope Benedict the 12th, our predecessor,³¹⁶ that the said priory was subject to the said monastery, and that certain monks of the said priory declared that they paid obedience and reverence (as falsely asserted) due to the said abbot, and whose admonitions and mandates they denied that they obeyed unlawfully; and that our said predecessor, at the instance of the said abbot and convent, committed the cause upon the premises aforesaid to be heard by our beloved son, Magister Olivezius de Curzetus, Dean of the Church of St. Hilary of Poitou, Chaplain of the Holy See, and Auditor of Causes of the Apostolical Palace, and to be finally determined; notwithstanding, if from its nature the said cause should not be to be determined by him, then it should be agitated and terminated in the court at Rouen, and with power of citing all parties before the said court; and the said auditor, at the instance of Master Nicolas de Pennis, proctor of the said abbot, and convent of the said monastery, caused to be cited by his letters

³¹⁶ Benedict the Twelfth was elected in 1334, and died in 1342.

of certain tenor, the sub-prior and monks aforesaid as parties, that they might on a certain term appear together before him in the said court to answer to such acts as might in a cause of this sort be legally brought forward; at which term the said Nicolas de Pennis, and Master Peter de Inquepenne, on behalf of the sub-prior, monks, and convent of the priory aforesaid, appearing as proctors at the judgment court of the said auditor (between which proctors some process in the name of their respective parties had commenced;) and afterwards appearing before the said auditor, John de Pennis, proctor for the abbot and convent, and John Blound, proctor for the said sub-prior and convent, by whom certain libels in this cause were brought in the term appointed, and the cause being lawfully debated between them, and oaths being administered by the said proctors in the presence of the auditor himself to speak the truth concerning this claim, the said auditor, at the instance of the said John de Pennis and John Blound, the proctors standing in court before him, and through them inhibited their clients aforesaid although absent, lest whilst a cause of this kind was pending either of the aforesaid parties should innovate any thing in prejudice of the other, this cause, or his jurisdiction, either by themselves, or any person or persons, or should even attempt it; and such inhibition being lawfully intimated to each party, John de Bradebury,³¹⁷ proctor of the sub-prior, convent, and monks of the said priory, standing in court before the said auditor, by a procuration in their name (the said John Blound being employed in foreign parts) exhibited a certain summary petition, in which amongst other things he set forth, that whilst this cause was pending before the said auditor, and after and contrary to the inhibition aforesaid, and in prejudice of the sub-prior, monks, and convent aforesaid, the said abbot and convent had admonished the sub-prior and monks above-mentioned, and commanded them (as they falsely asserted to do) that they should receive into their priory Alexander de Porter,

³¹⁷ A monk of the Priory of Tutbury mentioned in the preamble.

a monk of the said monastery of St. Peter, who had been nominated by the said abbot and convent to the said priory, as though to a place under and subject to them, and that they would obey and submit to him as prior of the said priory; and that the said Alexander, under pretext of these premises, had forcibly intruded himself into the said priory, and subsequent to such intrusion the said abbot and monastery had commanded the said prior and convent and monks of the said priory in virtue of their obedience, that they should receive and admit Reginald Tonge, John Camuce, and Peter Verson, monks of the said monastery, into the said priory, as co-brethren and fellow monks of the said priory, and there to dwell as such, and that they should furnish them with food and other necessities of life; and that the said Reginald, John, and Peter, under pretext of the last-mentioned order, had forcibly intruded themselves into the said priory, and had occupied a stall in the choir of the church, and a place in the chapter house of the said priory, and still continued to do so, and Alexander had administered the goods of the said priory, and still continued to do so, and that the said Reginald, John, and Peter had partaken of food, clothing, and other necessities of life out of the said goods, and still continued to do so, and also that they as well as the said Alexander had wasted and consumed their goods, and still continued to do so, and that they had brought damage to the said priory to the value of one thousand pounds sterling; wherefore the said John de Bradebury sought in the aforesaid name, that all and singular the said acts before recited should be revoked, cancelled, and annulled, and that the sub-prior, monks, and convent, and the respective persons of the said priory, and the priory itself, should be restored and put into peaceable possession of its rights and immunities, and of the acceptance of the monks, as it was at the time of the aforesaid inhibition, and that the said abbot and convent of the said monastery should indemnify the sub-prior, convent, and the respective monks of the said priory, and the said priory itself, for the expenses brought upon it on this occasion by the said abbot and convent, and for the costs of this suit: therefore

upon which the said John de Pennis not caring on his part to exhibit any positions or articles in opposition to those exhibited on behalf of the plaintiffs in this cause by John de Bradebury, and some exceptions being taken by the said John de Pennis to such articles, and to some of the aforesaid positions, and also not having sufficiently answered to certain interrogations officially asked of him by the auditor, and a term being peremptorily assigned to him the said John de Pennis so to do by the said auditor ; at which time the said John de Bradebury and John de Pennis appearing in court before the said auditor, the said John de Pennis was advised by the said auditor, that he should sufficiently answer the said positions and interrogations separately read over to him, but he contemptuously not caring to answer them, the said auditor deeming the said John de Pennis (as he deservedly was deemed) contumacious against him, held his contumacy upon these positions and interrogations for a confession, and at length after some other acts done between the said parties before the said auditor, certain public instruments and authentic letters being produced by the said John de Bradebury as proofs, and certain exceptions to these productions being taken at a time subsequently peremptorily fixed when the said should be heard before the said auditor : at which time the said John de Bradebury and John de Pennis appearing in court before the said auditor, and the said John de Bradebury asking that interlocutory judgment should be made, the said auditor having seen and diligently inspected all the acts and citations adduced in the cause before him, and having had them discussed before him, and after a full and faithful relation being made before all his co-auditors of the holy palace, by their counsel and assent pronounced and decreed, that the premises and acts before stated to have been done, should be revoked, cancelled, and annulled ; and he restored, and replaced, the priory, sub-prior, and the respective monks of the convent of the said priory, in and to the peaceable possession of their liberties and immunities, and to the state in which they were at the time of the said inhibition, and he more-

over condemned the abbot and convent of the said monastery, in the person of the said John de Pennis, their proctor, and John de Pennis himself, in his name as proctor, to defray the aforesaid expenses to the said priory, sub-prior, and convent, and respective monks of the said priory, which were brought upon them by the said abbot and convent of the said monastery, as well as in the costs of this suit: We therefore being induced by the supplications of the said sub-prior, monks, and convent of the said priory, having moreover also ratified and approved the acts done by our auditor, do order in our discretion by these our apostolical writings as far as we, or two or more lawfully demanding under us, or any other or others, the execution hereof, and in all places where these presents shall come, solemnly publishing our authority, can order, that the sub-prior and the respective monks, and the convent of the said priory, and the said priory itself, should be restored and replaced in the peaceful possession of all their said liberties and immunities, as they were at the time of the said inhibition, and that they so restored and replaced shall be defended according to the exigences of their case; and causing that a full and sufficient satisfaction be made to them for all expenses, as is set forth, which they have incurred, according to the condemnation of the said instrument. And I hereby anathematize to ecclesiastical censure by my appellation hereafter placed, all persons who shall contradict the same. Given at Avignon, the 5th Calend of July, in the first year of our Pontificate."³¹⁸

In pursuance of this decree a mandate was sent by the archdeacon of Norwich to the principals of the monasteries in the vicinity of this priory, to eject the foreign monks, who had intruded themselves into it, and to reinstate it in the full exercise of its former

³¹⁸ To this decree is affixed a leaden seal with the words Clemens PP. VI. upon it. Clemens the Sixth was elected Pope A.D. 1342, and died at Avignon, 1362.

rights. A translated extract from this mandate is here given :³¹⁹ “ *Thomas Fastolf, Archdeacon of Norwich, &c. to the Abbots of Burton-on-Trent and Derby, the Prior of Repingden, &c.*” After reciting that the annexed cause had arisen between the sub-prior and monks of Tutbury, and the abbot and monastery of St. Peter upon Dive, and after recapitulating the proceedings, inhibition, &c. above-mentioned, he thus proceeds :

“ *Our holy father and lord Clemens Pope, &c. at the instance and supplication of the said sub-prior, monks, and convent, gave to us, Thomas Fastolf, Henry de Idleworth, and Richard de Thormerton, in his letters and mandates, to us or two or one of us, that we should cause the said priory, monks, &c. to be reinstated in all the rights and privileges they enjoyed at the time of such inhibition. We therefore, Thomas Fastolf, in pursuance of such authority, canonically admonished Alexander de Porter, Reginald Tonce, John Camuce, and Peter Ver-son, and all and singular of them, and ordered them that within the space of a given time mentioned in our proceedings, they should leave the said priory with all its goods and appurtenances free and uninterrupted in every respect to the said prior and monks of the said priory, and altogether withdraw therefrom, nor should presume any longer to reside in it. Upon which Ralph de Coventry, one of the monks of the said priory, coming into our presence, complained to us, that although our said processes had been duly intimated, published, and made known to the aforesaid Alexander de Porter, and to Robert le Colyer, Peter le Vasour, and Robert le Couter, monks of the said monastery of St. Peter, occupying and retaining possession of the said priory, and that they were solemnly and duly at*

³¹⁹ Extracted from the Latin original among the MSS. of the Duchy of Lancaster, box 91, No. 7.

divers days, hours, and times, required under the pains and censures noticed in the above apostolical letters and in our proceedings, that they should leave the said priory free and uninterrupted in all respects to the said sub-prior, monks, &c., as aforesaid. Yet they, Alexander, Robert, Peter, and Robert, assuming the spirit of rebellion, and disregarding the said apostolical letters and our proceedings, were by no means willing to deliver up the possession of the said priory, and moreover continued to occupy the same, keeping the key of the church at the peril of their souls, and to the scandal of the greater part of the monks and convent of the said priory; of all which things the said Ralph credibly informed us by public instruments, and he required on his part, as well as on the part of the sub-prior, convent, and monks aforesaid, that we should remedy these things without delay. We therefore, Thomas Fastolf aforesaid, unwilling that justice should be wanting, and wishing, moreover, that the apostolical mandates should be carried into execution, and that the execution thereof begun by us should be happily carried through (God willing), require and admonish ye abbots, prior, &c. aforesaid, by the apostolical authority, which we discharge in this behalf, firstly, secondly, thirdly, and peremptorily, together and separately, by virtue of the holy obedience due from you and each of you, and under pain of the excommunication therein contained, if ye neglect those things therein committed to you; and you or each of you, who on the part of the sub-prior may have been required within six days immediately following this requisition, that is, two for the first, two for the second, and two days for the third and peremptory time, and by canonical admonition, and further we assign to you and each of you before whatsoever dominical and feast days of the holy missals, before all faithful people, with bells beaten and candles burning as well as extinct, that ye publicly proclaim Alexander de Porter, Robert le Colyer, Peter le Vasour, and Robert le Couter, monks of the monastery of St. Peter upon Dive aforesaid, and whatever monks of the said monastery may be there occupying and detaining the said

priory of Tutbury, by name, and expressly, to be excommunicated in our churches, and cause them to be denounced by all others under your jurisdiction, until the said Alexander, Robert, Peter, and Robert, and any others as aforesaid, shall leave the said priory, with all its rights and appurtenances, freely forthwith and peaceably to the said sub-prior, convent, and monks of the said priory, and until they come to obey all our decrees and the mandates of the church; and if it happen that the said Alexander, Robert, Peter, and Robert, and the others, shall sustain (which we trust will not be) this denunciation with hardened minds for fifteen days immediately following the six above-mentioned, as because their contumacy increases so ought their punishment to increase, do ye admonish on our part, according to canonical and civil institutions, firstly, secondly, thirdly, and peremptorily, all and each the servants and neighbours of the said Alexander, Robert, Peter, and Robert, and the rest, and also the others whom the said sub-prior, monks, and convent shall bring to you to be named, that they should not presume in any way to partake with Alexander, Robert, Peter, and Robert, and the others in any drinking, ablution, or celebration of divine rights, or in buying from or selling any thing to them, or paying dues to them, or associating with them or otherwise. And we further admonish you, that unless ye execute these presents, ye shall be excommunicated in like manner with the aforesaid Alexander, Robert, Peter, and Robert. But we will, that the said sub-prior and monks not rebellious may be able (the aforesaid rebellious monks being removed and excluded) lawfully and legally to celebrate divine rights in the said priory and in its church, &c. In testimony of all which things, we order the present letters, or the present public instrument, to be written and published by John de Mantua, our public notary, below written, and to be ratified with seal being affixed thereto. Given and done at Avignon, in my habitation, in the year from the nativity of our Lord 1344, and the 9th day of December, in the third year of the pontificate of Pope Clement the Sixth. Witnesses, Mas-

ter Richard de Tikehull, public notary, Bartholomew de Yarnepouth, John de Reston, clerks of the diocese of York and Norwich.

*"I, John, formerly of Mantua, public notary, by apostolic and imperial authority, and also acting for John Fastolf aforesaid, was present together with the aforesaid witnesses at the place and on the said day, and have written these things at the command of the same with my own hand, and have reduced them into this proper form, and have signed them with my sign."*²⁹⁰

Notwithstanding this determination on the part of the pope, to restore their just rights to the monks of Tutbury, and to reinstate them in the power of appointing their own prior, they never again obtained the latter privilege; for although they succeeded in ejecting their foreign intruders, and obtained a confirmation of the pope's bull from the king, in the following year this confirmation was revoked under the pretext that it was in derogation of the king's crown and his laws,³²¹ and the subsequent priors were in almost every instance of royal nomination.

The register of the priory furnishes the names of most of the persons, who from time to time presided over this house in the various charters and other documents which it contains; the earliest to be met with in that record is:

WILLIAM, who was prior A. D. 1125, in the twenty-fifth year of Henry the First. It was he who

²⁹⁰ This instrument has a seal of red wax appendant to it, and is marked with a peculiar scrawl, as the sign of Mantua.

³²¹ Calend. Rotul. patent 18th Edward Third.

granted the manor of Norbury to William Fitzherbert as above-stated ; and he was succeeded by another

WILLIAM, who held that office from 1180 to 1200. He was party to a composition with the rector of Longford, for tithes under the authority of Pope Celestine the Third.

BARTHOLOMEW was the next prior, in 1218 and during the first years of the reign of Henry the Third. He is mentioned in an agreement with Roger Hunter respecting Edlaston, and was party to an indenture concerning Little Broughton being held by Henry de Deneston for life.

NICHOLAS, the prior, who made an agreement with his monks respecting their diet, and whose name appears in several other parts of the register, held that office from 1226 to 1230.

FULCO succeeded him, but does not appear to have enjoyed it long ; he entered into an agreement with the prior of Kenilworth as to the pasture of Mayfield.

WILLIAM DE DENEYS appears to have held the same office for a few years only.

WILLIAM DE FERRERS, in all probability a near relation of the last Earl of Derby, superintended this convent from 1248 to 1262.

GEOFFRY DE DEMES was appointed by the monks of Tutbury his successor ; he made a grant to Richard Fitzherbert of lands in Twycross. Upon his decease the abbot of St. Peter upon Dive interfered in the appointment, and the priory was seized into the king's hands as a cell to that monastery, but having obtained letters denizen, it continued for some time free from foreign domination.

ROBERT DE LANGEDON was, at the recommendation of Edward the First, appointed to that situation, which he held from 1313 to 1326. His name occurs in a composition with the rector of the church of Longford as to tithes. After him no prior was appointed for many years, during the suit with the abbey of St. Peter.

PETER was the next. He suffered a recovery of Little Broughton against Nicholas de Denstone in the Court of Pleas at Westminster, in the twenty-sixth year of Edward the Third, and appears to have presided over the monks here from 1353 to 1356.

WILLIAM DE TRUARD was prior from 1364 to 1371. He granted to Ralph de Bosco some tenements in Doveridge.

JOHN BELLOCER was in the enjoyment of this office in the fifteenth year of Richard the Second, but appears to have been deposed, most probably on account of his foreign extraction; for Henry the Fourth, in the first year of his reign, restored him, after reciting in the deed of restoration the fact of this priory having been seized as an alien house by Edward the First. In the fifth year of the reign of Henry the Fourth we find

THOMAS MASCEW exercising the duties of prior, but how long he continued to do so is uncertain.

THOMAS DERBY was chosen in the third year of Henry the Sixth; and the same king appointed

ADAM DE PREAUX, in the eighth year of his reign, to be the prior of this convent.

This religious establishment had been so grossly mismanaged under the priors, who had lately presided

over it, that it was again found necessary for the king to interfere; and, in the twelfth year of his reign, Henry the Sixth appointed

THOMAS GEDNEY, who appears to have been a man of more ability than any of his immediate predecessors. Under his authority the deeds belonging to the priory were registered in a book, which he directed to be carefully preserved, and anathematized all who should presume to dispose of it: two copies were made of this register, one of them is in the library of the College of Arms at London, having been given to it (according to a memorandum on one of the pages) by Michael Burton of Wirksworth, in the county of Derby, and the other, I believe, belongs to the Marquis Townshend. This prior released the quit rent and services due from Nicholas Fitzherbert of Norbury and his son, in exchange for land conveyed by them to the priory. His name also occurs in an indenture between him and Ralph Shirley, Esq., concerning some tenelements in Nether Thurvaston, bearing date the twentieth year of Henry the Sixth. He appears to have held this office until the twenty-sixth of that king's reign.

WILLIAM COVENTRY was prior of this convent in the twenty-first year of Edward the Fourth, and in the reign of Henry the Seventh; but little is known of him.³²²

ARTHUR MEVERELL, alias Throwley, was of the ancient family of Meverell, who were for many years resident at Throwley in the parish of Ilam near Ash-

³²² The Register of Tutbury Priory.

borne. This prior, the last of the house, continued to exercise his office until the 14th of September, A. D. 1538, when he, together with eight monks (no doubt the whole then living) surrendered it with all its possessions into the hands of King Henry the Eighth, as appears by the original deed still existing in the Augmentation Office, which is signed by Arthur, the prior of Tutbury, Thomas Norton, Thomas Smith, Thomas Shele, Robert Stafford, Nicholas Bromley, Roger Shelton, Thomas Raynard, and Richard Arnold. There are also the remains of the common seal of the convent attached to this deed, exhibiting on one side three figures sitting in cathedral stalls, two of them wearing coronets, and the third crowned with celestial rays, between two shields, one of which bears the arms of Ferrers, namely, "Vairè Or, and Gules," and the other, what I presume to have been the arms of the convent, namely, "Azure, a saltire vairè or and gules," between four crescents argent. On the reverse is represented the Virgin Mary, crowned and seated as above, holding on her right arm the infant Jesus, in her left a cross by way of sceptre, and supported on each side by angels."³²³

About the time of its dissolution a survey was taken of the possessions belonging to this priory, which is still preserved in the First-fruits Office, by which it appears that the temporalities belonging to it in the county of Derby amounted to £141. 14s. 3d.; those in the county of Stafford, to £29. 4s. 4d.; the spiritu-

³²³ In consideration of this surrender the prior had an annuity of £50., Norton a pension of £7., Arnold one of £6. 13s. 4d., and the others pensions of £6. each.

alties in different counties, to £23. 9s. 8d.; the receipt of tithes in Derbyshire, to £29. 7s.; and those of Staffordshire, to £19.; making a sum total of £242. 15s. 3d. The value of the property must, therefore, have decreased considerably since the former survey was taken in the reign of Edward the Second.

The site of the priory was granted by Queen Elizabeth, in the eighteenth year of her reign, to Edward, Earl of Lincoln, and William Raven, of Horsepool Grange, in the county of Leicester, who sold it, on the 8th of July following, to Thomas Crompton and Edward Clement, who again transferred it, on the 18th of February, in the twenty-fifth year of the same reign, to Sir William Cavendish, the direct ancestor of the present Duke of Devonshire. He pulled down the greatest part of it, and with the materials built a good house at Tutbury, in which his eldest son afterwards resided. A part of the priory church was, however, fortunately spared, and dedicated to the use of the parish, by which means the beautiful Norman doorway at the west end, to which I have before alluded, and some of the massive columns and arches, which formed the grand central aisle, have been still preserved for the gratification of the admiring antiquary, but the whole of the choir, which stood at the east end, has been entirely removed and destroyed. Amongst other relics of antiquity which still remain, is a stone now placed in the southern wall of the church, upon which there is a rude representation of a boar hunt; a man upon horseback is attacking the huge monster with a spear, whilst one of his dogs has seized hold of the snout,

and another of the leg of the animal. The southern aisle of the church differs materially from the rest of the fabric; the windows being in the pointed or Gothic style of architecture, and the walls not being so thick as the more ancient part of it. Perhaps this portion of the building was erected by the two first Earls of Lancaster at the time that the rest of the priory was repaired.³⁹⁴ Of the possessions belonging to this convent the manor of Edlaston was granted by Henry the Eighth to William, Lord Paget, who sold it soon afterwards to Sir Edward Aston, Knight. It then came either by descent or purchase to the Eyres of Hassop, who sold it to Mr. Daniel Morley of Ashborne, and from his devisee in trust it was bought by the ancestor of the Rev. Thomas Gisborne, who is, I believe, the present proprietor. Ednaston was also granted by Henry the Eighth to Sir John Giffard, and was conveyed by him to Francis Shirley, Esquire, in whose family it still continues. Mayfield was given by the same king, in exchange for other lands, to Sir Edward Aston, from whom it passed into various hands; and nearly all the rest of these estates in Derbyshire were granted to Sir William Cavendish, from whom they have descended to the present Duke of Devonshire.

Up to the time of the dissolution of this priory, the monks had alternately performed mass at a chapel, which had been built, under their directions, about half a mile from the priory, on the direct way to Needwood forest, for the accommodation of the more distant

³⁹⁴ Ante-page 253.

inhabitants of the parish : when the priory church became parochial, there was less necessity for it, and the building very soon fell into decay. There is no trace of the name by which it was designated ; but foundations of considerable extent have been discovered, from which I should infer, that a small hamlet once surrounded this religious edifice ; leaden pipes have also been found branching from the conduit before mentioned in this direction, no doubt for the purpose of supplying it with water from the same holy spring which had been consecrated to the use of the priory, and the field where it stood is still known by the name of the Chapel Yard. Several other chapels in the neighbourhood shared a similar fate at the period of the reformation ; amongst others may be mentioned that within the castle walls, and another at Ansley, or Anslow, in the parish of Rolleston.

The great tithes of the parish of Tutbury and the advowson of the church, remained in the Cavendish family until very lately, when the former were disposed of together with the priory lands, which were situated within the parish, to John Spencer, Esq., of Rolleston Park ;³²⁵ and the latter was exchanged by the Duke of Devonshire for the patronage of Buxton church, with the vicar of Bakewell, in the county of Derby, who now has the right of presentation. The emoluments derived by the officiating minister are unfortunately very inadequate to the duties he has to perform ; had the vicarage of Tutbury been endowed with a portion

³²⁵ These lands and tithes, together with a considerable estate, were devised by the will of Mr. Spencer to Robert Stone, Esq., of Needwood House, the present possessor.

of the great tithes, the protestant clergyman would have been benefitted by the pious donation of the House of Ferrers; but the whole of them were retained by the lay impropiator, and an income of less than £200. a year, is the scanty pittance which remains for the support of the incumbent. Yet Tutbury has recently been blessed with a succession of pious and laborious pastors, who have devoted themselves, not without considerable success, to the religious and moral improvement of their flock.

I am unable to ascertain the names of the first incumbents of this church subsequent to the reformation, and the following list, although imperfect, is the best account of the succeeding vicars with which I can furnish the reader :

ARTHUR HORRIDGE was vicar of Tutbury upwards of ten years, and died on the 18th of April, 1655.

JOSEPH SMITH succeeded him, and resigned in 1670.

THOMAS BROOKESBY died there in 1704.

The **REV. JOHN FLETCHER** held this vicarage forty-seven years, and was buried here on the 22d of April, 1767.

The **REV. JOSEPH DIXON** was the next vicar; he continued to hold it ten years, when he died, and his body was deposited on the north side of the communion table on the 5th of November, 1777.

The **REV. HENRY BABBINGTON**, who was also schoolmaster of Rolleston, continued the line of succession from that time until his death on the 22d of May, 1785.

The **REV. JOSEPH CLOWES** was the next vicar, but he resided altogether at Uttoxeter; and the duty was performed by a curate until his decease. Towards the latter part of his incumbency the parishioners of Tutbury had the advantage of hearing and receiving spiritual instruction from the **REV. THOMAS COTTEREL, A. M.**, afterwards minister of St. Paul's, Sheffield, whose published Sermons and Collection of Prayers, for family use, will long continue to exhibit the pious sentiments which animated his heart and directed his conduct. He went from Tutbury to the Staffordshire Potteries, where he found a wider field for his labours, and was afterwards appointed to a church at Sheffield, where he lately died. His successor in the curacy was the

REV. GEORGE WATSON HUTCHINSON, who succeeded also to the vicarage upon the death of Mr. Clowes. His character is so faithfully portrayed upon the mural monument which was erected to his memory, that I will neither add to nor curtail the inscription which it bears :

“ In this chancel lies entombed the body of George Watson Hutchinson, A. M., eldest son of Elisha Hutchinson, Esq., of Hagley Row, Birmingham, and grandson of the late Thomas Hutchinson, Esq., the Governor of his Majesty's Province of Massachusetts Bay in North America at the time of the revolution,

Who died May 11th, 1818,

of a pulmonary consumption, in the thirty-sixth year of his age; having been first curate and afterwards vicar of this parish, over which he exercised his ministerial care, during the period of twelve years, with that peculiar faithfulness, diligence, and anxiety, which rendered him justly eminent among the clergymen of the Church of England, a church, for whose superior excellence he was a con-

stant and strenuous advocate, and of which, both in his public and private life, he was a bright and valuable ornament. He preached and lived with a simplicity and purity, well corresponding with the great work he was pursuing; and with his views of the supreme importance of religion, and the leading principles of Christianity, there existed strong mutual affection between him and his people, as was especially evinced on their part by the universal and unexampled regret occasioned by his death; and, in testimony of love and esteem for his memory, this monument was erected at the voluntary expense of all classes of his parishioners.

‘That I may know him, and the power of his resurrection.’

Phil. iii. 10.’”

He was succeeded in the vicarage by the REV. GEORGE ROBINSON, the present worthy incumbent, whose ministerial labours are too well appreciated by his parishioners to need any eulogium from my pen. It is satisfactory, however, to observe the great improvement which has gradually taken place in the religious and moral conduct of the inhabitants of Tutbury and its vicinity from the successive efforts of these faithful servants of Christ. The venerable fabric in which he officiates was new pewed in the year 1829, and an additional aisle was then added to the north, which corresponds with that on the southern side of the church. The expense of these alterations was defrayed by a grant from the society for promoting the enlargement and building of churches, aided by the voluntary subscriptions of various inhabitants of the town and neighbourhood. The great doorway has been recently repaired, and a new window inserted above it, at the expense of the parish; and another lofty window of elegant proportions has been erected

at the east end, at the sole expense of Robert Stone, Esq., the present lay impropriator of the tithes.

Not far from the above-mentioned monument of the Rev. Mr. Hutchinson, another marble slab records the departure of a kindred spirit in the following words:

“ ‘Be thou faithful unto death, and I will give thee a crown of life.’

Rev. ii. 10.

“Near this place are deposited the remains of the Rev. Jonathan Stubbs, M. A., some time curate of Uttoxeter in this county, and previously of the parish of St. Alkmund in Derby. A man of sober, active, and solid piety, of laborious and unwearied diligence in the public and private duties of his office. A true minister of the gospel; day by day instructing his flock by sound doctrine and by holy example; living not unto himself, but unto the Lord, who died for him. In humble and exclusive reliance on the merits of that Redeemer, he died November the 27th, 1810, in the thirty-eighth year of his age, in consequence of the fracture of a limb, occasioned by an overturn of an open carriage within a short distance of this town.

“ ‘Blessed are the dead who die in the Lord.’ ”

In the chancel there is also a neat mural monument of white marble, bearing the following inscription :

“Sacred to the memory of John Spencer, Esq., of Rolleston Park, in this county, who died Dec. 4th, 1823, aged 72; and also to Ann Spencer, his wife, who died January the 27th, 1824, aged 88.”

On the chancel wall is another marble, inscribed with these words :

“In memory of John Bott, and Sarah, his wife. He died April the 9th, 1815, aged eighty-one years; she died August the 27th, 1804, aged sixty-four years. This monument is erected as a sincere though inadequate memorial of filial affection.”

The remains of Mr. Charles Bott, their son, who was the father of the present John Bott, Esq., of Co-

ton, were deposited near the same place on the 14th of January, 1822.

When the recent alterations were in progress, several alabaster slabs were discovered under the old pews, near the first large column on the right from the western entrance, under which had been buried the ancestors of Mr. Richard Wakefield, the munificent founder of a charity hereafter noticed; the churchwardens were desirous of placing them in some visible part of the church, rather than of permitting them to be concealed by the new pews, but the slabs were broken in attempting to remove them; and as they are also covered with a layer of earth, in consequence of the floor being raised, it is probable that all remembrance of them may be lost, unless they are here recorded. This circumstance as well as respect for the memory of one, to whom the town of Tutbury is so much indebted, will, I trust, afford an adequate excuse for the insertion of the following inscriptions, which were found upon them, in these pages:

"Here lye the bodies of Robert Roworth, late of Tutbury, and Dorothy his wife, which Robert departed this life the 3rd day of October, 1623, and Dorothy departed this life the 16th day of July, Anno Domini, 1622.

"Here lyeth the body of Joseph Wakefield, mercer, who, in hopes of a joyful resurrection, departed this life the 4th day of December, Anno Domini

"Ætat suæ 60.

"Succubui et resurgam.

"Here lyeth the body of Richard Wakefield of Tutbury, mercer, who married Dorothy the daughter of Robert Roworth, by whome he had Joseph, Sara, and Dorothy, who departed this life the 2nd day of April, Anno Dom: 1650, aged 63; and Dorothy Wakefield departed this life 19th day of May, A.D. 1679.

"Here lyeth the body of Joseph Wakefield the younger, who departed this life the 17th day of June, and was buried the 29th of the same month, A. D. 1681.
A° Ætat suæ.

"Thus health and wealth, thus youth and beauty have
Early or late their summons to the grave,
And there must lye till angel's trumpet cries,
'Awake, ye dead, and into judgment rise.'"

On the floor of the church are the following inscriptions :

"To the memory of Joseph Willington, Gent., who died Jan. 5th, 1743, aged 60, and of Hannah his sister, who died Nov. 9th, 1746.

"Thomas Matthews of Tutbury, mercer, who died on the 9th Sept. 1760, aged 73, and Mary his wife, who died on the 22nd Feb. 1782, aged 85.

"Thomas Smith, mercer, who departed this life on the 20th Feb. 1781, aged 49, and three of his children who died infants.

"Esther the wife of Thomas Smith, who died March 11th, 1792, aged 54, and Ann their daughter, who departed this life April 6th, 1792, aged 22.

"William Smith, late of Tutbury, mercer, who died on the 7th March, 1828, aged 69, and Elizabeth his wife, who died March 18th, 1797, aged 31 years, together with their son Thomas, who died in his infancy.

"John Hunt and Hannah his wife; the former departed this life on the 10th Oct. 1778, aged 76, and the latter on the 27th Nov. 1771, aged 73.

"Ann wife of Charles Bott, who departed this life July the 20th, 1807, aged 38 years, and two daughters who died in infancy.

"Also Sarah Bott, wife of John, died August 27th, 1804, aged 66; and John Bott, who died April 9th, 1815, aged 81 years."

CONTINUED HISTORY

OF THE

TOWN AND HONOR.

WE must now resume the history of the town of Tutbury, and that part of the honor which is contiguous thereto, from the period when the castle was destroyed; and in so doing, the first subject which attracts attention, is the attempt that was made by the Protector Cromwell, to dispose of the forest of Needwood, for the purpose of satisfying the demands of pay due to the soldiers whom he had commanded.

In pursuance of his determination to do so, a valuation was made of it, which is still extant in the Augmentation Office, and is thus entitled: "A Survey of the Chase of Needwood, and the Appurtenances thereof, in the County of Stafford, late parcel of the possession of Charles Steward, late King of England, in right of the Duchy of Lancaster, made in May, 1650, by virtue of a commission granted upon an act of the Commons assembled in parliament, for sale of

the honors, manors, and lands, heretofore belonging to the late king, queen, and prince, &c." After specifying that this chace is in four parishes, and divided into four wards, it describes the boundaries of each, beginning with Tutbury ward, which was then estimated to contain 1550 acres, valued at

	£.	s.	d.
3s. per acre,	232	10	0
Upon improvement at 5s. 6d. per acre per annum, ..	426	5	0
The lodge with 38 acres,	6	12	0
Dotards and fire trees 8995,	1340	11	4
Timber trees 1456,	976	3	4
Barton ward containing 1400 acres at 2s. 6d. each, ..	175	0	0
Upon improvement at 4s. 6d. per acre,	315	0	0
The lodge with 30 acres,	6	0	0
Timber trees 2408,	1857	0	0
Fire trees 4736,	689	3	4
100 dotards at 2s. 6d. each,	12	10	0
Yoxall ward 1650 acres at 2s. 6d. each,	206	5	0
Upon improvement at 4s. 6d. an acre,	372	5	0
Fire trees 4256,	654	6	8
Timber trees 3770,	3542	0	0
The lodge with 32 acres,	8	16	0
50 dotards appertaining thereto at 2s. each,	5	0	0
Marchington ward 1800 acres at 4s. per acre,	360	0	0
Upon improvement at 7s. per acre,	630	0	0
Timber and other trees 12838, worth	4010	3	4
Dotards and fire trees 9900,	2590	3	4
Total value of land and lodges,	996	3	0
Upon improvement,	1746	17	0
The whole number of deer 120,	60	0	0

The free tenants of the honor and other occupiers of land, who enjoyed rights upon this forest, were justly apprehensive that such a disposal of it as was contemplated, would be very prejudicial to their interests;

and they, therefore, deputed Mr. Zachariah Babington to make a remonstrance with the ruling powers upon the subject. By the kind assistance of Sir Charles Wolseley, Bart., Colonel Crompton, Colonel Rugeley, Thomas Whitgreave, John Bromfield, and Daniel Watson, Esquires, who were employed about the person of the protector, Mr. Babington at length succeeded in getting a petition against the measure to be presented to him; in answer to which Cromwell assured them, that no man's just rights in the forest should be prejudiced or taken away by the ordinance made for its sale, but that, for the better satisfaction of the parties concerned, he would submit their petition to the council of state, where their reasons against it should be heard at large, and a precise and speedy answer returned. The council, after due deliberation, made a report to this effect: that there was no legislative power vested either in the Lord Protector or his council of state, to repeal, add to, or otherwise qualify the ordinance made for the sale of Needwood; but in case there should be any sale of it in pursuance of that ordinance, they need not fear that any man's rights would be taken away thereby, for that a subsequent ordinance provided, that commissioners should be appointed for receiving and entering claims, and further, that care should be taken, that the commissioners so appointed should be gentlemen of the county around the forest, who should have authority after receiving the claims, to adjudge what would be the real value of all such, and what would be the remaining interest of the Lord Protector therein, to be sold for the pay-

ment of the soldiers' arrears, and that if there was no such residue, then that no part of it should be sold.

Robert Frank, John Kinsley, Daniel Watson, Zachariah Babington, William Whitby, and George Sergeant, were the commissioners appointed for this purpose, and after various meetings between them and the claimants, a proposal was made to give them four thousand acres of the forest in satisfaction of their claims ; but it was rejected, and the whole proceedings were submitted to the committee of appeals, appointed by the council of state. Mr. Sergeant was in the meantime fixed upon to prepare a statement of the quantity of land, which ought to be allotted to each township, and having done so, he also laid the same before the committee of appeals. Other terms more favourable were offered to the opponents of the measure, who at length so far acceded to it, that the forest was staked out in conformity with the apportionment made by Mr. Sergeant, and the inclosure of it would have been immediately carried into effect, had not the restoration of the House of Stuart to the throne suddenly put a stop to the whole of these proceedings. Charles the Second determined to preserve the forest in its original state, and would not, therefore, confirm the partition. For this time its sylvan charms were rescued from the axe of the destroyer, and the game and deer strictly reserved for the use of its royal master.

Lord Aston was appointed lieutenant of Needwood by the king immediately after his restoration, with directions to prevent any trees from being felled there under any pretence whatever, and with power to no-

minate other officers under him, for the better protection of the king's rights, and the more ready performance of his orders. In pursuance of this power he made George Vernon, Esq., of Sudbury, ranger of the forest, by a written instrument under his hand, which bears date on the 2d of August, 1660. The following order was soon after issued :

" To the keepers and other his Majesty's officers and ministers within the forest or chase of Needwood, and the parks thereunto belonging, and to every of them and to their and every of their deputies."

" Whereas of late times, and especially in and since the late unhappy wars, divers disorderly people have taken the liberty to doe their pleasure within the said forest or chase, almost to the utter destruction as well of the vert as of the venison, and doe yet continue the like unlawfull actions, you doe from henceforth at all convenient times as occasion shall be offered, make diligent search (where there is probable suspicion offered) within the premises, for the taking and apprehending of all such persons as shall bee probably suspected to bee offenders against the game there, and alsoe for the takeing of all greyhounds and dogs not lawed according to the ancient custome there, and of guns, bowes, nets, and other engines, which shall or may be used for the takeing and killing of the deere or game of warren within the premises or the precincts thereof, and that you bring all such persons as shall be taken with the manner, that is to say, doing any such offences, to the castle of Tutbury,²⁹⁵ there to remayne untill further order bee taken ac-

²⁹⁵ This is the latest instance upon record of the castle being used as a place of custody for offenders in the forest. During the time of John of Gaunt and his son Henry the Fourth, the dungeons there were often occupied by persons of that description.

according to ancient custome therein heretofore used, and that you keep such greyhounds, dogs, guns, bowes, nets, or other engines to bee disposed of as by the lawes are required. Dated the first day of September, 1660.

“RO. MILWARD, Deputy Steward.”

Within less than three years the fickle monarch altered his intentions respecting the reservation of Needwood to himself. It contributed nothing to those voluptuous pursuits to which he was addicted, and he thought it offered a convenient mode of cancelling some portion of the obligation he was under to General Monk, now created Duke of Albemarle, for accelerating his return to the throne. Under these impressions he proposed to grant it to that nobleman, who had such powerful claims upon his gratitude :

“CHARLES R.,

“Whereas our forrest or chace of Needwood in our county of Stafford, parcell of our possessions of our duchie of Lancaster, lyeing remote from the houses and places of our usual residence, hath for many years past been of greater charge than benefit either to our royall progenitors or ourselfe: We takeing the same into our princely consideration, and how the same may for the future bee improved, have resolved to deafforrest and demise the said forrest or chace. Wherefore our pleasure is, that in consideration as well of the great and eminent services donne and performed to us by our most renowned Generall George, Duke of Albemarle, as of the yearly rent of one hundred pounds, to bee reserved and payable to us for the same, a demise or lease from us bee passed under our duchie seale to the said duke and his assigns, of the aforesaid chace, and of all and every the lodges, houses, buildings, lands, tenements, woods, underwoods, and trees, rivers, waters, ponds, pooles, and fishings

within the same, and of the whole ground and soile thereof, and of every part thereof in our county of Stafford, for the terme of ninety and nine years, to commence from the 25th day of December now next coming, under the said yearly rent of one hundred pounds to bee paid to us, our heires, or successors, or to our receiver-generall of our said duchie of Lancaster and of our other duchie possessions within our said county of Stafford for the time being, at midsummer and Christmas yearly, together with power to divide and inclose the same or any part thereof, and to convert it into tillage, pasture, or meadow ground, and to grubb up, fell, and cut downe all or any of the woods, underwoods, timber trees, and other trees within the said chase or forrest and every part thereof, and to sell and dispose of the same to the only use and benefit of the said duke and his assigns without accompt. And wee are for the considerations and rent aforesaid further pleased, that by the said lease or demise all the tithes of the said chace, and of the grounds, and soyle, woods, and underwoods thereof be likewise demised to the said duke and his assigns, during the term and under the rent aforesaid, and that hee and his assigns shall hold the same discharged of tithes or the payment of tithes as well great and small as mixt; and shall alsoe dureing the said terme have and enjoy free warren, and all goods and chattels of felons and fugitives, of felons of themselves, and of all persons put in exigent for felony or trespass, and all other forfeitures, waifs, estrays, fines, and profits happening or ariseing within the said chase or forrest or any part thereof, dureing the said terme, and to this end you are to give warrants to our auditor of our said duchie of Lancaster, to make forth a particular of the said forrest or chace; and alsoe to our attorney of our said duchie, to prepare a lease of the said premises accordingly, wherein provision is to be made, that all such covenants, clauses, and conditions for our owne security and service, as alsoe of the said duke and his assigns, bee inserted in the said demise or lease, as you shall think reasonable, and as are usuall in like cases. And for your soe doing this shall bee your warrant.

Given under our royall signet and signe manuall at our court at Whitehall, the 20th day of October, in the 15th yeare of our raigne, 1663.

“ By his Majesty’s command,

“ HEN. BENNET.

“ To our right trusty and well-beloved counsellor Francis Lord Seimour, chancellor of our duchie of Lancaster.”³²⁷

The proposed grant to the Duke of Albemarle was, from some cause or other, never carried into effect ; other lands in Yorkshire and Lancashire were granted, I believe, in lieu thereof, and the forest of Needwood still continued to form a part of the possessions of the crown, in right of the duchy of Lancaster. After the resumption of the above grant, Charles the Second issued several orders respecting the deer in the forest, a specimen of which may not be uninteresting :

“ CHARLES R.,

“ Our will and pleasure is, for the better increase of our deer and preserving of our game within our forrest of Needwood, in our county of Stafford, parcell of our duchy of Lancaster, that you neither kill, nor permit to be killed, any of our deer within our said forrest for the space of three yeares after the date here, except the particulars hereof specified, viz. one brace of bucks of every season to the borderers that you shall observe to be most carefull of our game ; one brace of bucks for the chancellour of our aforesaid duchy ; one brace of bucks for the attorney-general of the same ; one brace of bucks for our lieuftenant of our said forrest ; one buck for our axe-bearer ; one buck for the ranger, and one buck for each of our keepers of

³²⁷ Extracted from a MS. book in the library of Lord Bagot entitled, “Forest of Needwood and Honor of Tutbury.”

the said forrest; one buck for the auditor of our duchy, one buck for the high steward of our honour of Tutbury; all which are to be killed as neare as may be in the borders and outskirts of the said forrest. And our farther will and pleasure is, that you take speciall care during the restraint, to preserve our pheasants, grouse, moregame, partridges, hearnes, and hares, within our said forrest, and you cause to be destroyed all sorts of vermine that may prejudice our said game, and for so doing this shall be your warrant. Given at our court at Whitehall this second day of August, in the 17th yeare of our reign.

*"To our right trusty and well beloved Walter Ld. Aston, late of our forrest of Needwood, and to our ranger, keepers, &c. there."*³²⁸

A second attempt to alienate the forest of Needwood, and completely to dissever from the crown the whole honor of Tutbury, was soon afterwards made by the versatile owner, who, having never seen this beautiful part of his possessions, knew not how to value it. On the 20th of November, in the twenty-first year of the reign of Charles the Second, 1683, a grant passed the seal of the duchy of Lancaster of the honor and manor of Tutbury, together with the forest or chase of Needwood, the manors of High Peak and Wirksworth, and of all the offices appertaining thereto, with the office of steward of Newcastle-under-Line, and several other manors, rents, and privileges, to Rupert Browne and Samuel Boheme, Gentlemen, in trust for Colonel Edward Vernon, in consideration of the payment of £7000. and of a conveyance to be made to his majesty of lands at Sheerness, on which the fort was erected, and other considerations therein expressed.

Rupert Browne advanced the £7000. and also lent Colonel Edward Vernon £3300. more upon security of the same; upon which Colonel Vernon, Mr. Browne, and Mr. Boheme, conveyed all the premises to Edward Byrch, Esq., to the following uses: namely, one moiety thereof to the use of Rupert Browne and his heirs and assigns for ever, in consideration of the said £7000.; the other moiety in trust to repay the said Rupert Browne the £3300. with interest, and then to discharge Colonel Vernon's other debts, with remainder to him and his heirs for ever. It was soon after discovered, that this grant had been a very improvident one, and that the property comprised therein was of a value far beyond the considerations, that had been given for them. The king complained that he had been taken by surprise, and had been induced to make it under false representations; the inhabitants of the townships adjoining to the forest objected, and not without just cause, that their rights of common and other privileges had been entirely overlooked in the arrangement; it was, therefore, judged expedient to have a special report made of the state of the forest, and of the timber growing thereon; and William Harbord, Esq., was fixed upon for this purpose, who, according to his instructions, sent the following statement in a letter to Charles the Second, bearing date the 26th of April, 1684:³²⁹

³²⁹ From the MS. book in Lord Bagot's library above stated. Upon comparing this survey with that taken in the time of Cromwell, there appears a decrease in the number of trees growing upon the forest of 10140, but the value of those remaining was considerably increased. Mr. Harbord was of the family of the present Lord Suffield, and member for Thetford in several parliaments, during the reign of Charles the Second.

" May it please your Majestie,

" In obedience to your majestie's royall command, signified by your majestie's warrant of the 16th of February and 24th of March last past, I repaired to the forest or chase of Needwood, in the county of Stafford, and there, with the advice and assistance of three very able and experienced men (greate dealers in wood and tymber, recommended to me by several gentlemen of greate worth and quallity in that country) did particularly number, and set such indifferent values and prices upon all the treese now standing within the said forest or chase, and the parkes neere adjacent, as they in their judgement and consciences thought them to be really and truly worth, and no more, and will yield to be sold for in some reasonable time (as they have delivered upon their oathes before a master in chancery); haveing had a due respect as well as to the places where they stood either in plaine or rough ground, where carts and carriages could not conveniently come to fetch them off, as to the hazard and faultiness of the tymber itselfe, which, by being often broused and mangled, many of the treese are more or lesse decayed, and thereby made of farr lesse value than otherwise they would have bene; which numbers of these treese, rates, and prices, are as followeth:

	£.	s.	d.
"In Barton ward 6668 trees, valued at.....	5491	10	6
Yoxall ward 5795 trees, valued at	6293	13	0
Tutbury ward 16615 trees, valued at	8604	9	0
Marchington ward 10140 trees, valued at	6455	7	0
Total within the four wards 38218 trees, valued at ..	25744	19	6
In Highlin's Parke 3035, valued at	1481	5	0
Handbury Parke 2275, valued at	879	10	0
Ruffey Parke 352, valued at	87	10	0
Castle Heys 3270, valued at	444	7	0
In all 47160, valued at	28637	11	6

Besides these, trees in the enclosures about	}	£.	}	2062	0	0
Yoxhall and Brickley lodges, valued at		50				
And a few old oakes left in Agarsley		}				
Parke, computed at 60 coard, and						
valued at	}	2000	}			
The hollyes and underwoods about the						
forest, computed to arise at least to ten						
thousand coard, valued at four shillings	}					
per coard, amounts to						
				<hr/>		
				30699 11 6		

“ Having given your majestie this account of the number and value of the tymber and wood as above said, it is my duty, according to your majestie’s command, to acquaint your majestie with my own observations alsoe as to the nature and condition of the tymber and wood within the said forest. Wherein I humbly conceive that many of the treese are of soe large dimensions and lengths, that there may be picked out such great quantityes of plank and other tymber, fitt for shipping, as I believe is not to be found in any of your majestie’s other forests in England; most parts of this, where the best tymber growes, lying within twelve or fourteen miles of the navigable parte of the river Trent. And much of the rest of the said tymber is very good and fitt for building; and that there are greate numbers of fine young thriveing saplings of oake of about ten, fifteen, or twenty yeares’ growth, or more, which if preserved would become good tymber in a few yeares, for your majestie’s future service.

“ And as to the soyle, it is generally good and of a good nature, and the turfe not deepe, but of a proper and sweete feeding for fallow deere, and the best that ever I saw for rideing and hunting on; and the lawnes are very pleasant and worth, if improved, about ten shillings per acre, some rough places only excepted, which lye principally towards the outsydes of the forest, and are of lesse value, yet these very apt for the growth of underwood and treese. But as to the quantity of the

whole forest, which is esteemed neare 10,000 acres, and of the severall parkes adjacent, and of all your majestie's interest, rights and priviledges, belonging to your majestie's honour and mannor of Tutbury, with the members and appurtenances thereof, parcell of the possessions of your majestie's dutchy of Lancaster, which comprehend very large royaltyes, extending into neare 800 severall townes (as I am informed), with the offices of stewards and great bayliwicks, and the profitts of lead mines, and of severall hundred tolls, escheates, deodands, fines, perquisites of courts and other priviledges of great value, I am not able to give your majestie a full and satisfactory account untill I may obteyne the surveys, viewes and other writings from the officers of the said dutchy, and have the perusall of the severall graunts and leases, or the counterpartes of the same; whereby I may likewise be informed of all such estates and termes of yeares as are now in being, in possession or reversion, and the reservations of rents thereupon; and many of which graunts and leases have been obteyned (as is alleaged) without due regard to your majestie's interest.

"I am obliged also to acquaint your majestie, that there hath beene greate quantities of tymber fallen in the said forest and parkes within a few yeares last past, upon very ordinary and meane pretentions; and there is greate waste committed, now especially since the reporte of the tymber being granted away, but more particularly aboute the skirtes of the foreste, where the poorer sort of people haveing been permitted to erect small tenements and cottages, doe generally chipp and cutt the trees round that are neare their dwellings; by which meanes they kill and destroy them, and in a short tyme are blowne downe, and taken as windefalls; and under pretence of free trees are claymed and taken by the auditor, receiver, axe-bearer, and other officers of this revenue and forest, which they call stubb trees, there are constantly felled out yearely the best they can picke out within the said forest and parkes, which are afterwards sold for £3. 4, or 5 a tree; much of which abuses might be prevented and better regulated, if due care were ta-

ken therein ; the people seeming very ready to pay all obedience to your majestie's commands, and relyeing upon your majestie's justice and favour to them in the continuance of those rights, which they and their ancestors have claymed and enjoyed, under the duke of Lancaster and the crowne for severall ages past. And in order to a more particular enquiry into these late abuses, I did, in obedience to your majestie's command, expressed in your majestie's said warrant of the 24th of March last, issue out a warrant to Mr. Thomas Ilsley, deputy axe-bearer of the forest, requiring him to give me a certificate under his hand and seale of all such tymber and other trees as had been fallne in the said forest and parks, within twelve yeares last past, and by whom and by what warrant or command, and how they have been employed, and what wastes or spoyles have been there committed within the same tyme. And soe soone as I receive any returne herein from the said axe-bearer, I shall be enabled to give your majestie an account thereof, as I am commanded.

“ Several persons of greate quality and gentlemen of worth and good estates in the countrey, who have charters, and clayme estovers for wood and right of common throughout the forest (as thirty towneshippes doe that lye contiguous to it) think it a great hardshipp to have the soyle alienated from the crowne, and the wood sold to a private person ; whereby they are necessitated (as they say and alleage) to defend their rights by course of law, at extraordinary charges : and have made their humble request to me, humbly to represent the same to your majestie, and to propose, on their behalfe, that if your majestie shall be pleased to parte with the interest of the honour and mannor of Tudbury, and the soyle and wood of the said forest and parkes (which they rather hope and desire may be still continued in the crowne), that they may be admitted to become purchasers thereof ; and soe the respective commoners may have their antient rights preserved to them, and your majestie to receive a full and equivalent satisfaction for the same.

“ This being as much as I am able at present to informe your majestie withall touching this matter, I must humbly submit it to your majestie's greate judgement, and shall be ready to obey your majestie's further commands therein.

“ WILL. HARBORD.”

On the following 6th of December Mr. Rupert Browne paid to the receiver-general the sum of £68. 11s. 9d. in part of the rent reserved from the estates so conveyed ; but on the 6th of February in the next year a decree was made by the Lord Chancellor Jeffreys, for setting aside and vacating the grant ; and it was ordered that the same should be immediately surrendered and cancelled. In Trinity Term, 1686, Mr. Browne filed a bill in chancery against the then attorney-general and receiver-general, for the £7000. paid by him on account of the purchase, and the £68. 11s. 9d. paid for rent, as above mentioned, and he obtained a decree for these sums, which were accordingly repaid him. Mr. Browne, however, considered himself aggrieved by the first decree, inasmuch as he, being an innocent purchaser for a valuable consideration, and not privy to any undue means used in obtaining the said grant, was by the said decree to lose his £3300. with the interest thereon, and also all interest on the £7000. and all his costs, although he never received any profit out of the premises. Under these circumstances he filed a bill of review to reverse the said decree, upon the accession of King William and Queen Mary to the crown.

At length it was found requisite to pass an act of parliament, which received the royal assent on the

27th of April, 1696. By this act the honor of Tutbury and the other lands, manors, &c. included in the grant to Colonel Vernon, were vested in his majesty King William the Third, and by a clause in the same, it was provided that certain persons therein named should from time to time set out such quantities of timber upon the forest and elsewhere as they should think fit, for the purpose of discharging by the sale thereof the above-mentioned sum of £3300. due to Mr. Rupert Browne, with interest after the rate of £6. per cent., unless the same should be repaid before the 25th day of March, 1697.³³⁰ From that time to the present this honor has continued annexed to the crown of Great Britain, and is now in the possession of his present most gracious majesty in right of his duchy of Lancaster.

One of its most beautiful features has however been sadly disfigured; those woodland recesses which neither the rapacious clamours of Cromwell's soldiery, nor the injudicious grant of the voluptuous Charles, had been able to destroy, were at length doomed to fall under the ax of the sturdy agriculturist. During the last fifty years, a kind of inclosing mania prevailed throughout the kingdom; every spot of ground which was supposed capable of growing a blade of corn must be converted into tillage for the support of an increasing population, and to this prevailing notion Needwood amongst other forests that have shared a similar fate at length became a victim. An unsuccessful attempt to inclose it had indeed been made so early as the year 1778, but the bill introduced into parliament

³³⁰ Several orders made at this time in the woodmote court will be found in the Appendix.

upon that occasion was rejected in the year following by a large majority, and it was reserved for the first year of the nineteenth century to pass an irrevocable sentence on this venerable chase. In 1801 an act of parliament was obtained for dividing, allotting, and inclosing it, and Thomas Hinckley of Lichfield, Esq., John Bishton of Kilsall, and Samuel Wyatt of Burton-on-Trent, Gentlemen, were appointed commissioners for carrying the same into effect.

Upon Christmas day 1802, the forest was disafforested, and a scene of melancholy devastation rapidly ensued; the trees which had hitherto clothed it in all the rich luxuriance of unrestrained nature, were felled in every quarter with little regard to size, although the act provided that none should be cut down under six inches in girth. The coverts and underwood were quickly cleared away, and a dreary waste appeared on every side, deformed still more by naked trunks and lopped branches strewed in various directions, and relieved only by a few picturesque groups of charcoal burners and woodmen. The following passage from the "Fall of Needwood" so accurately paints the scene of desolation which I witnessed at this period, that the reader, I doubt not, will be pleased with the perusal of it:

"How chang'd! those oaks that tower'd so high,
Dismember'd, stript, extended lie;
On the stain'd turf their wrecks are pil'd,
Where thousand summers bask'd and smil'd;
In smouldering heaps their limbs consume,
The dark smoke marks their casual tomb."³³¹

³³¹ Fall of Needwood, page 17 of the quarto edition, 1808: the wrecks piled on the turf allude to the ranges of bark, and the smouldering heaps to the making of charcoal.

Troops of idle peasants, now restrained no longer by the terrors of the law, chased the affrighted deer from their accustomed haunts, and destroyed them without mercy; some more fortunate than the rest escaped into adjacent parks, and intermingled with the herds already reared there; while a few were found during several subsequent years lurking in the woods of Foremark and other distant places, where the yells and shouts of their ruthless pursuers had driven them, but could no longer assail their ears.

Yet a few favoured spots were rescued from this general destruction; the northern part of the forest extending from Hanbury to Marchington woodlands, presented eminences so abrupt as to render them nearly inaccessible to the plough, whilst they were admirably adapted for the growth of timber; accordingly this tract, which is commonly known under the general appellation of the Forest Banks, was allotted to the crown for that purpose, and the beautiful woody glens with which it abounded, have been thus preserved to the present day in all their native wildness. Other detached portions of forest scenery exhibit miniature specimens of the former grandeur of Needwood around the several lodges, which belonged to the nobility and gentry in the neighbourhood at the time of the inclosure.

About this period Ealand Lodge and the adjacent mansion of Hollybush, where the author of the poems of "Needwood Forest and the Fall of Needwood"³³² once dwelt, were purchased from Lord Bagot by Thomas Kirkpatrick Hall, Esq., who, by judicious

³³² F. N. C. Mundy, Esq.

additions and alterations, has made it one of the most elegant and comfortable residences in this part of the country. Groups of magnificent hollies, from which the place takes its name, still decorate the approach to this mansion; whilst the opposite hill thickly covered with native oaks, and the intervening valley adorned with a well-contrived lake that reflects upon its surface the umbrageous foliage above, render the view from the windows of the principal apartments one of the most rich and interesting that the ardent admirer of nature improved by art can desire.

Yoxall Lodge³³³ possesses charms of a very distinct character; the situation of the house is low and secluded, and a ramble over the higher lands which surround it, becomes therefore necessary to obtain a full display of all their beauty. During such a walk the most enchanting combinations of woodland scenery occasionally present themselves to the eye; thick groves of holly trees are here and there intersected with glades of turf and fern, or surround a verdant lawn from which at first sight there is no apparent egress; at intervals a glimpse is obtained of the more remote country through the opening glades, and then again the delighted wanderer is immersed once more in the dense foliage of surrounding thickets: several ancient lime trees are here to be found, the scanty relics of those flourishing groves, which formerly produced a profitable return to the proprietor of Needwood by the conversion of their bark into ropes. Once no doubt trees of this sort abounded in the environs of Yoxall

³³³ The residence of the Rev. Thos. Gisborne, A. M. prebendary of Durham, whose ancestor, John Gisborne, Esq., purchased it from a family named Hart.

and Byrkley Lodges, for the stream which flows near these houses was designated Lin or Linden Brook from that circumstance. It is not, however, the beauty of these forest walks which has given celebrity to Yoxall Lodge; the proprietor of this peaceful abode is well known to the present generation as a Christian author, who has the rare qualification of practically exhibiting in his own bright example, the duties he so ably enforces in his writings. His religious opinions are deduced alone from the pure doctrines of our Saviour, untainted by bigotry, and unalloyed by worldly considerations, and his moral conduct appears to have been regulated by the sole motive of doing good. Delicacy to his feelings forbids my saying more than that all who have the pleasure of his acquaintance must derive benefit from his society, and the value of his works will be universally admitted, whilst there exists an eye to peruse, or an understanding to comprehend them.

Byrkley Lodge,³³⁴ the residence of Mrs. Sneyd, is another of those situations where attention has been paid to the preservation of forest scenery; the hollow trunks and scattered arms of the aged oaks around it convey to the mind of the beholder an idea of superior antiquity to those in the other parts of the forest which have escaped the hands of the spoiler; and the appropriate addition of a herd of deer has, in a great measure, restored the former imagery of the place. It

³³⁴ Since the former part of this work went to the press, the late possessor of this mansion, Edward Sneyd, Esq., died. He purchased it in 1796, from the late Marquis of Donegal, who had bought it about twenty years before from Lord Townshend. It had previously belonged to the family of Turton.

was here that the woodmote courts were held, and the officers of the forest appointed. The name which has been corrupted into that of Brickley, is evidently derived from birch trees growing near the spot, although some persons have imagined that it was so called from Thomas de Berkley, who married a daughter of William de Ferrers, Earl of Derby, and filled the office of keeper of Tutbury Ward.

The New Lodge,³³⁵ now occupied by Robert John Harper, Esq., his majesty's ax-bearer of Needwood, and Rangemoor, the seat of John Rigby, Esq., both of which are held by lease under the crown, also possess much picturesque beauty; from the former a very extensive prospect is obtained over the lowlands of Derbyshire, as far as the mountainous district of the Peak, whilst the latter enjoys the sweet seclusion of a well-wooded home scene.

Among modern houses erected upon the forest, that built by the late John Spencer, Esq., of Rolleston Park, and called by him Needwood House, deserves attention. It is now the property of Robert Stone, Esq., and hereafter, when the surrounding plantations have attained maturity, will vie with most of the other residences in the neighbourhood in objects of interest, of which from hence there is an almost unlimited command.

But to resume our account of the inclosure. Under the first award, which was signed on the 14th of

³³⁵ By the inclosure act the New Lodge and two closes of land near the same, containing about three acres, with several cottages adjoining, were vested in his majesty, his heirs, and successors, with a proviso that the ax-bearer or surveyor of his majesty's woods within the honor of Tutbury may occupy the same rent free.

November, 1805, the grand division was made between the crown and tithe owners on the one part, and the various claimants of intercommonage on the other. One full moiety was reserved for the latter, after deducting the lands appropriated to roads, &c. The whole forest contained about nine thousand four hundred acres, and the quantity allotted to the crown was upwards of three thousand two hundred, but a part of this was sold to defray the expenses of the inclosure. On the 9th day of May, 1811, the final award was signed, by which the freeholders' portion was subdivided amongst the various persons that had claims thereon; their respective shares allotted to each township for the payment of parochial assessments; and regulations made as to the making and repairing of the future fences between each allotment. Since the inclosure the land has not been found of so good a quality as had been previously imagined, and from the depreciation in the price of agricultural produce, doubts may be reasonably entertained whether it would not have been more beneficial to the proprietors if a greater portion of it had been kept in a state of wood, rather than to have undergone the expensive process of cultivation.

Other inclosures have taken place since that of Needwood in this vicinity. In 1802 an act passed the legislature for dividing, allotting, and inclosing the commons and waste grounds within the parish of Rolleston, and a few years after another of a similar nature for inclosing the waste lands in the parish of Tatenhill; so that, with the exception of a small common at Bellmont, in the parish of Tutbury, there is not

now, I believe, an acre of uninclosed land within several miles of the castle. The aspect of the country has been strangely altered by these means within my memory; but upon the whole this change has been for the better, for notwithstanding that the eye of taste may be somewhat offended thereby, the moral habits of the people have been improved, and the supply of food materially increased. It is not the face of the country only that has been altered within memory, but the trade of this district has undergone a complete revolution; our ancient records furnish us with various accounts of fulling mills existing in the neighbourhood, which are now nowhere to be found, and the staple trade of woolcombing, which flourished at Tutbury for so many generations, has now been entirely supplanted by the manufacture of cotton. As the first erection of mills for the spinning of that article in this town is closely connected with the history of the corn mills under Shotwood, I shall briefly trace the descent of those mills from the crown.

On the 9th day of May, in the seventh year of his reign, James the First granted by his letters patent, "All those mills of Tutbury, as well corn mills as fulling milnes, with all the soke and suit, and with those weares, waters, pooles, fishings and meadowes to the said milnes aunciently belonging amongst other things to Edward Farrers and Francis Phillips, their heirs and assigns, in fee farm for ever upon the yearly rent of £7. 1s. 0d."³³⁶ Soon afterwards Farrers and Phillips granted the same premises by a deed enrolled

³³⁶ In Humberston's survey, before mentioned page 159, they were stated to be held by George Younge for a term of years at a similar rent.

in chancery on the 28th of Jan., 1690, to Barton Allot, his heirs and assigns, who again, by a deed bearing date the 12th day of April, in the 10th of James the First, and reciting the former grants, conveyed the same to Henry Agard, his heirs and assigns; and afterwards Sir Henry Agard by his deed dated the 11th of September, in the 18th year of James the First, in which the former deeds are also recited, conveyed the same to Sir Edward Mosley. In 1645 his successor of the same name formed a new channel for the mill fleam through the trenches below the castle hill, for which he was amerced by the jury of the court leet at Tutbury forty shillings a year, but as the old channel soon became good pasturage, this amercement was never enforced.³³⁷ Sir Oswald Mosley, Bart. about the year 1754, again sold the mills of Tutbury to Sampson Emery, reserving the right of fishery below the same, and from him they passed, I believe, through several hands until they were purchased by Messrs. Bott and Company, who soon perceived that the supply of water might be converted to a more profitable purpose than the mere working of the corn mills under Shotwood. They accordingly obtained in 1780 a petition from the principal inhabitants of Tutbury to be presented to the king, praying him in right of his Duchy of Lancaster, to grant a lease of land between the mill fleam and Tutbury bridge, for the purpose of enabling Messrs. Bott and Company to erect a mill for spinning worsted and cotton. The prayer of this petition was granted, and the first part of the present cotton mill was erected in 1781

³³⁷ From MSS. in my possession. O. M.

by Messrs. John Bott, Charles Bott, William Lucas, Francis Greasley, and Thomas Webb. Subsequent additions were made to it, and the partnership was continued up to the year 1822, when during that and the following year the fee simple of the mills and of the land upon which they were erected was purchased from the crown by the representatives of the late firm. During the year 1823 the whole of this property, together with the corn mills and the right of water, was sold by public auction to the present proprietor, John Webb, Esq., who has very much enlarged the buildings, and attached a fresh water-wheel thereto under the direction of the late Mr. Hewes of Manchester, by which he has obtained at least double the power of the former machinery.³³⁸

There are upwards of three hundred hands, including men, women, and children, now employed at this factory, where the greatest attention is paid by the worthy proprietor to their religious and moral conduct, as well as to health and cleanliness. Works for the cutting of glass vessels were also established at Tutbury twenty-two years ago, the machinery of which is now set in motion by steam, and the manufactory is admirably conducted under the judicious management of Mr. Henry Jackson; the plain glass is made principally at Birmingham, from whence it is forwarded to this place to be cut into patterns and finished.³³⁹ In these trades the poor of Tutbury find almost constant employment, and in other respects they are well provided for, as will appear from the following account of benefactions :

³³⁸ From the information of John Webb, Esq.

³³⁹ About twenty-two hands are thus engaged.

" WAKEFIELD'S CHARITY.

" Richard Wakefield, by will, dated 15th August, 1733, devised to Crewe Offley, Esq. Rowland Cotton, Esq. and eight others, and their heirs for ever, all his lands, tenements, tithes, and hereditaments in Tutbury, Rolleston, Hatton, and Church Broughton, or elsewhere, within the respective manors of Tutbury and Rolleston, as well copyhold as freehold, in trust, for such uses as are therein-after mentioned, viz.: as concerning one close called Warden Trees, and fifteen acres of arable land, with the appurtenances, in the common fields of Tutbury, which he then had lately purchased of Hannah Tabberer, widow, and George Tabberer, her son, and was then held at £10. per annum; and one house in Monk-street, in Tutbury, with a garden or backside thereto belonging, and the new building thereon erected, he confirmed and devised the same according to the uses and trusts in a deed of feoffment, and a schedule annexed thereto, dated 10th August, 1730, for the endowment of an English school then intended, and since the making thereof erected; and as concerning the rest of his estate, in trust, that the said trustees, and the survivor of them, and the heirs of such survivor, should receive and pay the rents and profits of the same, to the several uses and trusts thereafter particularly mentioned, viz.: the first year's rents and profits (after taxes and chief rents deducted) unto captain Michael Rawlins, and for ever after, in trust, that they, or the survivor of them, should lay out and dispose of £10. yearly, in putting out one or more poor child or children of the town of Tutbury, apprentice to some honest handicraft trade, whereby they might get their living, such children so to be named and appointed at the annual meeting of the trustees at the time thereafter mentioned, such children to have the preference who should be born of honest and industrious parents within the said town, and educated in the school before mentioned, and who could say the Church of England Catechism without book, and could write and read, and of whom the trustees might have reasonable hopes of their good behaviour, allowing 10s. a piece yearly, as their circumstances required, towards repairing their clothes; and at the end of such their apprenticeship and faithful service thereof, then

to pay them £5. or £10. a piece towards setting them up, according to the discretion of the majority of the trustees, without control or censure: and upon trust also, to lay out yearly £15. or what sum they or the majority of them should think fit, in buying physic and medicines, and providing the necessaries for relief of such poor indigent sick persons inhabiting within the town of Tutbury, who were not able to provide sufficiently for themselves and families; and also in trust, to lay out yearly £20. in buying of clothes, to be made up or bought in the said town for the poor of the said town; and £20. per annum more for coals and other fuel, to be distributed amongst them in such manner and proportions as the majority of such trustees should think fit and appoint: and also in trust, to lay out £3. yearly, or what other sum they should think fit, in buying books of devotion and practical divinity, to be distributed amongst the inhabitants of the town of Tutbury, such as the Holy Bible, the Common Prayer Book, the Whole Duty of Man, and some other books, as treat of the Holy Sacrament, and contain directions preparatory for the same; such of the inhabitants being always to be preferred in the disposal thereof as could read, and were not able to buy the same, and were like to make good use of them; in which distribution the testator desired, that each poor family should be first supplied with one or more of the books for the common use of the said family; and when each family should be so provided, then the same should be distributed amongst such other poor persons of the town, as the trustees, or the majority of them, should from time to time direct and appoint: and also in trust, to give and dispose of any sum or sums of money not exceeding £5. yearly, amongst young tradesmen of the town of Tutbury, to assist them in the setting up or improvement of their trades, such always being preferred who had been put out apprentices by the trustees by the charities aforesaid, and served out their apprenticeships as such (who otherwise might not be entitled thereto): and in case any surplusage should remain after the said trusts should be fully satisfied, or that the trustees or their successors, should not think fit or proper to expend or lay out all or any part of the sums appropriated thereby for the buying of books, physic, clothes, fuel, coals, lending of money, or money to be given to tradesmen, or other the particular charities therein mentioned, the doing whereof the testator left wholly to their discretion, then in such case his will was, that such

overplus should be applied to any other of the charitable uses before mentioned, or in buying bread to be distributed at the church of Tutbury, to such poor of that town as should most frequent the same, and behave themselves the most decently and orderly therein, or in putting out poor girls to employments, or in buying of tools or other materials for poor workmen of the town, or lending any sum or sums of money, not exceeding £20. or £30. to poor necessitous tradesmen, for five years, without interest, such borrowers to enter into bond, together with three or more substantial persons, for repayment of the said money to be lent, at the end of such term, or at the death of such borrower, or any of their sureties : and the said testator did thereby request the said trustees that they would take care, the best way they could, that the money so to be lent might be sufficiently secured, that the poor tradesmen and inhabitants might have the greater benefit from it : and forasmuch as it would be most convenient, that the management and distribution of the charity should from time to time be principally left to some of the trustees inhabiting in or near the said town, who in all probability would best know the condition of the poor, and which of them were the greatest objects of charity, his will was, that three of the trustees therein named, during their lives, (unless a majority of the other trustees should order otherwise), should receive the rents and profits of the said premises, and apply the same as above mentioned, in such manner and proportions as should be agreed and ordered by a majority of the trustees, at their annual meeting thereafter appointed, or at some other meeting to be held for that purpose ; and after the decease, or in case of the removal of the said three trustees, or any of them, from the places of their habitation, some other trustee or trustees inhabiting in or near the town, should from time to time be appointed by the majority of the trustees then surviving, to act in his or her stead, so as there should always be two trustees inhabiting in the town, who should receive and dispose of the rents and profits, subject to the directions and control of the other trustees, or the majority of them, to whom they should yearly, on the 1st November (or in case that be Sunday, then upon the 2d), at a general meeting to be held for that purpose, make an account of all the receipts and disbursements made within the year preceding ; and the testator desired, that the trustees, or so many of them as could conveniently, would meet at Tutbury, upon such day

or days yearly, to inspect and pass the accounts, and give such orders for the next year, with the advice and assistance of the minister, churchwardens, constables, sidesmen, or such other of the most substantial inhabitants of the said town as they should think fit to advise with concerning the same, and as they in their discretion should think or see convenient, which accounts and orders he desired might be fairly entered in a book, to be kept for that purpose in the vestry of the parish church of Tutbury aforesaid, by the trustees residing in the said town, and churchwardens, minister, and constable, for the time being: and that the yearly account should be signed by such of the trustees who should attend and pass the same: and his will was, that the two persons that should receive and dispose of the said rents should, for their trouble, and for keeping the accounts, be allowed 20s. a piece yearly; and that the sum of 40s. should be annually allowed for a dinner and other entertainments for the trustees, and such of the inhabitants as they should think fit to call to their assistance as aforesaid; and he desired, that as often as any three or more of the trustees should die, that the survivors, or the majority of them, should, at their next meeting, elect and nominate in writing other trustees, such as they in their discretion should think most likely to promote the good of the said town and poor, to fill up the vacancies.

“By the deed of feoffment, referred to in the will, and bearing date the 10th August, 1730, the testator, Richard Wakefield, granted to the lord of the manor of Rolleston, in the county of Stafford, to the lord of the manor of Fauld, in the same county, the patron of the rectory and parish church of Elwall, in the county of Derby, and to Ralph Adderley, and six others, a croft or close, called the Warden Tree Croft, in Tutbury, and 15 acres of land in the common or leet fields of Tutbury, viz.: three acres in Ludgate Field, *alias* Middle Field; three acres in Dove Field, otherwise Mill Field; and nine acres in Castle Hay Field, *alias* Hatthoway Field, viz.: five and a half acres, called Cock Close, and three and a half acres upon Longshutt, then held upon lease, at the yearly rent of £10.; to hold to the said lords of the said manors and patron, and to the said other trustees and their heirs, to the uses in the schedule thereafter mentioned, contained.

“By a schedule annexed to the deed, the said Richard Wakefield declared, that the said feoffment was made, that the feoffees

should stand seised of the said premises, as an endowment of a schoolmaster, and of a free-school intended shortly to be purchased and built by him in Tutbury, wherein might be taught thirty poor children of the town of Tutbury gratis, there to learn to spell and read English books, until they could well and distinctly read the chapters in the Bible, and learn and without book say the Church Catechism, and to write and cast accounts, to be taught by some person of the church of England, the better to fit them to be apprentices to some honest trades or servants in husbandry; the schoolmaster to take no gratuity for the children, nor their friends or parents, yet not to be restrained from teaching other children than the said number of thirty, for whom he might be paid by their parents and friends; such schoolmaster and children to be nominated by the feoffees, or major part of them, their heirs and successors; the nomination of such schoolmaster to be only during their pleasure, or so long as he should behave well; with power to them to remove the schoolmaster for misconduct, in manner therein mentioned, and in case of his refusing to resign his office to withhold his salary, and the profits of the land to be paid to poor widows or poor housekeepers not receiving parish allowance, until another master should be appointed: and he directed, that when three or four of the feoffees should be dead, the surviving feoffees should make a new feoffment to the use of themselves, and so many other substantial men of the town, and gentlemen of the neighbourhood, and their heirs, as should make up the same number of feoffees and trustees: and he ordered, that a waggon load of coals should be yearly supplied about Michaelmas, for a fire, to be kept in the school, for the use of said thirty poor scholars; and that the yearly rent of a little croft, should be yearly paid to one of the trustees, living in the town, or any inhabitant they should appoint, for buying the coals, and providing a small treat, yearly, to the feoffees, at their visiting the school and schoolmaster: and he desired the feoffees, living in the town, and two or one of the feoffees, living out of the town, should meet yearly, on or about the 1st November, or within three weeks thereof, to visit the school and schoolmaster, and the proceedings and management of the school, and to correct any thing that might be amiss.

“The several estates comprised in the will and feoffment, have, from time to time, been conveyed to successive trustees, and are

now vested in the following trustees, viz.: the right honourable lord Vernon, Sir Oswald Mosley, bart., Rev. John Peploe Mosley, Rev. F. Anson, Thomas Kirkpatrick Hall, esq., Robert John Harper, esq., and Rev. Hugh Bailye.

"The charity estates were surveyed and valued in 1822, by Mr. Calvert, one of the trustees, and Mr. Bennett, land-surveyor. The property is let at its full annual value, except the premises held by the schoolmaster, and four dwellings, occupied by poor persons, which are held rent-free.

"The amount of the rents from the property derived under the will, according to the valuation, is £438. 4s. 10d. a year, and from the school property, £31. 15s. a year; these, however, are subject to a deduction of £1. 11s. or thereabouts, for quit rents, &c.

"The land on which the school-house stands, was purchased by the founder, Richard Wakefield, and conveyed to him by indenture of feoffment, dated the 27th May, 1734, in trust for an English charity school intended to be built and endowed, and to be taken as part of the endowment thereof, and for the schoolmaster to live in.

"The master of the school occupies the school premises, which comprise a school-room, with other apartments, and a small garden, rent-free; and he receives the rents of the rest of the school property, and a further annual sum of £15. out of the general funds of the charity, as a remuneration for instructing twenty children in addition to the thirty provided for by the endowment; and he is permitted to take other scholars. The children are instructed on the Madras system. The free scholars are chosen and admitted by one of the trustees, who resides in Tutbury, under the sanction of the other trustees; they are required to be children of parishioners resident in the place; and are further required, pursuant to a resolution of the trustees, of November, 1819, to attend a Sunday-school, conducted under the church of England establishment.

"The master supplies coals for the school, being in receipt of the rents of the land appropriated by the founder for that purpose.

"The sum of £30. which was received from the trustees of the late Mr. Newton, of Lichfield, for the benefit of the school at Tutbury, in 1817, was applied towards enlarging the school-room, on the occasion of an increase being made to the number of the scholars, the whole expense of the enlargement being £99. or thereabouts.

"The purposes for which the trustees apply the revenues from the property derived under the will are, the apprenticing of children : providing medicines and other necessaries for the sick and infirm ; clothing, bread, and coals for poor persons ; books of devotion, and religious instruction : a distribution of weekly sums of money among the poor, and a donation of beef and money at Christmas time.

"It is usual to place out yearly two apprentices, with premiums of £10. each, and each of them is allowed during the apprenticeship 10s. a year, at Christmas, provided his conduct be satisfactory. The apprentices are taken from the children who have been educated at the school, when there are proper applicants among them ; when not, they are chosen from children of the inhabitants of Tutbury, of good character. The supplying of medicines and necessaries for the sick, and the distribution of coals, bread, clothing, and money, is left, in a great measure, to the discretion of the trustees residing in the town of Tutbury. The money applied for the first of these purposes is necessarily of variable amount ; in the year ending in November, 1822, it amounted to £38. 9s. 6d. to which should be added an annual donation of £5. 5s. to a society for the relief of lying-in women at Tutbury. In the same year there was expended, in the purchase and making of clothes, and buying shirts, coverlids, and shoes for the poor, £89. 16s. 10d. ; in bread given at the church £31. 4s. ; coals £77. 4s. ; allowances for coals by tickets, £8. 15s. ; and in payments to poor persons of 1s., 1s. 6d., 2s., and 2s. 6d. per week, £136. 10s. The money, coals, and clothes, are distributed according to lists made out by the resident trustees, and the allowance is continued to the same persons while considered deserving. The expense of purchasing bibles, prayer books, and other books of divinity, which are partly given as rewards to the children of the school, and partly distributed among the poor by the minister, is in general from £3. to £5. a year. There has long been a customary donation to the poor of beef and money at Christmas, amounting at first to £8. afterwards to £12. and of late to £20. a year. There are also yearly expended or allowed for receiving the rents, about £10. 4s. ; to the solicitor, for attendance at the annual meeting, and entering the accounts, £4. 4s. ; and for the expenses of an entertainment at the meeting, generally about £12. ; and there are besides several other items of annual expenditure, in

repairs, and in other matters incidental to the management of the trust, and the distribution of the charity. Considerable expense is occasionally incurred in embanking or protecting against encroachment part of the charity land adjoining the river Dove; and in 1820, £63. arising from the sale of wood, was applied towards that object.

“The advancing of small loans to young tradesmen, which is one of the objects mentioned in the will, has very rarely been put in practice or required.

“The accounts are kept by one of the resident trustees, who acts as treasurer, and are yearly examined by the trustees, at a meeting held in November.

“SMITH AND ASTLE'S CHARITY.

“Thomas Smith, by will, dated 4th February, 1672, gave to the poor of Tutbury £100., the interest thereof to be distributed among the poor inhabitants thereof, for ever.

“Abraham Astle, of Tutbury, by will, dated 3d March, 1675, gave to the poor inhabitants of Tutbury £30., the interest thereof to be distributed among the poor inhabitants thereof, for ever.

“The two sums of £100. and £30. were laid out in the purchase of a parcel of land in Stockley Park, in the parish of Tutbury, which was conveyed by indenture of feoffment of the 4th April, 1681, to Joseph Wakefield, and four others, in trust for the poor inhabitants of Tutbury, and that the feoffees, with the assistance of the churchwardens and overseers of the poor of the parish, might yearly distribute the rents of the premises among the said poor inhabitants, on the 1st November and 20th April.

“This land has for some time been conveyed to the trustees for the time being of Wakefield's charity, and is now vested in the present trustees thereof.

“The estate contains 11 A. 3 R. 28 P. of land of very inferior quality, which is let to Elizabeth Bates, as yearly tenant, at £15. per annum, being the full annual value.

“The rents are distributed, one half on Good Friday, and the other half on St. Thomas's Day, among poor persons of the parish of Tutbury; and lists are made out and kept of the persons relieved, and the sums given them.

“LANT’S GIFT.

“Joan Lant, as appears by a table of benefactions, gave the sum of £4. which purchased a yearly rent-charge of 6s. 4d. issuing out of a house in Castle-street, in Tutbury.

“The parish clerk of Tutbury resides in the house, and he deducts from his rent 6s. 4d. a year, and distributes the same in sums of 4d. a piece, among poor widows of the parish, on Good Friday, yearly, such mode of distribution being the same as has prevailed for fifty years past.

“HENRY CHAMBERLAIN’S GIFT.

“It appears by the table of benefactions, that Mr. Henry Chamberlain gave 40s. a year for the poor, charged on a house in Aldersgate-street, London.

“This annuity, and a like annuity for the poor of Marchington, are paid by the occupier of the house, to the principal managing trustee of Wakefield’s charity; and the former is distributed by him among poor persons of Tutbury.

“JOHN CHAMBERLAIN’S GIFT.

“The table of benefactions also states, that John Chamberlain gave twelve penny loaves, on every Lord’s-day, for ever, by a rent-charge on a piece of land in Blackforby, in the county of Leicester, called the Middle Smallthorn, or Thickbroom Smallthorn.

“The yearly sum of £2. 12s., is paid in respect of this charity by Mr. Smith, the proprietor of the land in Blackforby, and is applied in a distribution of twelve penny loaves, given every Sunday to poor widows of the parish in Tutbury church.”

In 1807 the town of Tutbury became the scene of one of the grossest impositions that was ever practised on the credulity of the public. A woman named Ann Moore, whose appetite had been for some years declining in consequence of an indifferent state of health, had at length the hardihood to assert that she could live altogether without nourishment of any kind. The

better to obtain belief, she had the art to persuade two young women of good character who resided in the same house to confirm her statement, and imagining that a strict profession of religion would promote her views still further, she appeared to pass the chief part of her time in reading the Holy Scriptures.

The positive declarations she continued to make upon the subject of her abstinence at length reached the ears of a respectable surgeon at Lane End in the Staffordshire potteries, who, in order to put her veracity to the test, subjected her to a strict watch for sixteen days, and at the termination of that period she had the gratification of finding that her powers of deception were greater than even she herself had previously supposed; for the medical men who watched her, and many of the inhabitants of the town, firmly believed that she had lived sixteen days without solid food, and thirteen without liquid of any kind. Nothing had transpired during this watch to excite suspicion, or to impeach the truth of her statement, and this circumstance had no doubt a very powerful influence on those who had been hitherto incredulous. This wonderful story gradually extended to distant places; the medical journals of the day teemed with papers respecting her abstinence, and the cause of it; whilst numerous visitors were attracted from all parts of the kingdom to see that strange phenomenon, *The fasting woman of Tutbury*. The emaciated state of her body, and the paralysed appearance of her legs, of which she *asserted* that she had lost the use, prevented in most instances a rigid examination; and her pretended sanctity and resignation under her sufferings insured

her the sympathy of the pious and humane ; few persons left her without some substantial proof of their liberality, and the scheme at length became so lucrative, that an additional motive was excited to encourage her perseverance in this infamous deception. At one time she had accumulated from this source a sum of money exceeding two hundred pounds, but by the extravagance of a daughter who lived with her, and perhaps from other obvious causes, the whole of it was soon dissipated.

No farther means were attempted to detect the imposition until the 31st of March, 1813, when, under the auspices of the Rev. Legh Richmond, the late rector of Turvey in Bedfordshire, a committee was formed to conduct a second watch, to which the infatuated woman, relying no doubt on her former success, had after some little scruple agreed to submit. It was proposed that this second *trial*, as she termed it, should continue for three weeks, and to this proposal she readily assented ; but upon further consideration a period of four weeks was thought more eligible, and it was also suggested that her bedstead should be placed upon a Merlin's weighing machine, by which the variations in her weight during the watch might be accurately ascertained ; to these arrangements she at first objected, but at length she was induced to comply with them, and the watch commenced on Wednesday the 21st day of April. It was impossible for her with all her dexterity to elude the vigilance of the watchers, upon this occasion ; her countenance gradually became paler and more sickly, her flesh wasted, and she appeared to be labouring under the

usual symptoms of severe catarrhal fever, which increased to such an alarming degree, that on the 30th of April it became necessary to discontinue the watch. The scene of imposition was now soon brought to a close; she still however persisted in the truth of her former statement, and even made an affidavit, which was drawn up in terms the most solemn, of her entire innocence of all fraud and deception. Discoveries soon were made, which convicted her of the most abominable guilt and falsehood, and on the 4th of May, 1813, this wicked and hypocritical wretch signed the following declaration:

“ I, Ann Moore, of Tutbury, humbly asking pardon of all persons, whom I have attempted to deceive and impose upon, and above all with the most unfeigned sorrow and contrition, imploring the divine mercy and forgiveness of God, whom I have so greatly offended, do most solemnly declare, that I have occasionally taken sustenance for the last six years.

“ Witness my hand this fourth day of May, 1813.

her
“ ANN × MOORE.”
mark.

The above declaration was made before Thomas Lister, Esq., of Armitage Park, one of the magistrates of the county of Stafford, in the presence of her daughter and Mr. Bennett of Tutbury; but her subsequent conduct exhibited any thing rather than “unfeigned sorrow and contrition” for her past offences. She continued to reside at Tutbury for a short period after her detection, and then left it, together with her daughter, in a precipitate manner, amidst the hootings and

execrations of the populace. What became of her afterwards I cannot exactly ascertain ; they resided at Macclesfield for some time, and from thence were conveyed, I believe, to Knutsford house of correction for robbing their lodgings. With her appetite she appears also to have recovered the use of her legs to such an extent that it is said she eluded for several hours the officers of justice who were in pursuit of her. Where or when this vile creature's existence terminated I have not been able to learn, nor is the inquiry deserving of any trouble ; the public are in full possession of the circumstances attending her imposition and detection in a well written pamphlet published by the late Rev. Legh Richmond, and entitled, "A statement of Facts relative to the supposed abstinence of Ann Moore, of Tutbury, Staffordshire."

No existing document, that I have met with, records the first erection of a bridge over the river Dove at Tutbury ; it must, however, have been subsequent to the reign of Edward the Second, and before that of Henry the Fourth. The most ancient was built, no doubt, of wood ; for we find an order given in the fourth year of the last-mentioned reign, for an allowance of timber to repair Tutbury bridge ; but the old stone bridge, which was taken down in 1817, bore evident marks of antiquity, and, if I may be allowed to hazard a conjecture, I should say, it was of the age of Henry the Sixth. It stood about twenty yards higher up the river than the present, and consisted of nine Gothic arches with projecting buttresses between each of them : the road over it was narrow, and the foundations of some of the piers were in so bad a

state of repair, that the magistrates of the two counties at length agreed to replace it with a new one, and upon the 20th of June, 1815, the foundation stone of the present handsome structure was accordingly laid. Mr. Johnson of Duffield near Derby was the builder, under the superintendence and according to the plans of Mr. Potter, the architect and surveyor for the county of Stafford: the stone was principally procured at Duffield, and the whole work was completed in a very satisfactory manner at an expense of about £8000. which sum was defrayed by the two counties in equal moieties.

The engraving which faces the title page, conveys an accurate idea of the beauty of its elliptic arches, and it is rendered still more interesting by presenting in the same view that part of the river in which the old coins were found: the figures in the foreground are intended to mark the spot where the gravel-getters met with the first specimens, and the more distant figures indicate the place where the greatest quantity of silver coin was subsequently found. The discovery of these coins has excited so much of the public attention, that I should not be justified if I omitted here a more full account of the circumstances attending it, than the short notice of this event in the preceding part of the work would allow.

Mr. Webb, the proprietor of the cotton mills at Tutbury, being desirous to obtain a greater fall for what is commonly termed the tail water of the wheel which works the machinery of his mill, prolonged an embankment between the mill stream and the river, much farther below the bridge than it formerly ex-

tended, and as a part of his plan it became requisite to wheel a considerable quantity of gravel out of the bed of the river, from the end of his water-course, as far up as the new bridge. Whilst they were engaged in this operation on Wednesday the first of June, 1831, the workmen found several small pieces of silver coin about sixty yards below the bridge; as they proceeded up the river they continued to find more; these were discovered lying about half a yard below the surface of the gravel, apparently as if they had been washed down from a higher source. On the following Tuesday the men left their work in the expectation of finding more coin, and they were not disappointed, for several thousands were obtained on that day; as they advanced up the river they became more successful, and the next day, Wednesday, June the 8th, they discovered the grand deposit of coins, from whence the others had been washed, about thirty yards below the present bridge, and from four to five feet beneath the surface of the gravel. The coins were here so abundant, that one hundred and fifty were turned up in a single shovel-full of gravel, and nearly five thousand of them were collected by two of the individuals thus employed on that day; they were sold to the bystanders at six, seven, eight, or eight shillings and sixpence per hundred, but the next day a less quantity was procured, and the prices of them advanced accordingly. The bulk of the coins were found in a space of about three yards square, near the Derbyshire bank of the river. Upwards of three hundred individuals might have been seen engaged in this search at one time, and the idle and inquisitive were attracted

from all quarters to the spot. Quarrels and disturbances naturally enough ensued, and the interference of the neighbouring magistrates became necessary. At length the officers of the crown asserted the king's right to all coin which might subsequently be found in the bed of the river, since the soil thereof belonged to his majesty in right of his duchy of Lancaster. A commission was issued from the chancellor of the duchy, prohibiting all persons, excepting those appointed therein, from searching or authorising others to search for coin in the river; and for the purpose of insuring the king's rights, the commissioners were directed to institute a farther search on behalf of the crown, which search commenced on the 28th of June, and was discontinued by them on the 1st of July, after having obtained under it upwards of fifteen hundred more coins, which were forwarded to his majesty and the chancellor of his duchy. At the end of this search the excavation, from whence the coins were principally taken, was filled up, and a quantity of gravel spread over it, for the purpose of levelling the bed of the river, so that any further search would now be quite ineffectual. Four specimens of the silver pieces found upon this remarkable occasion are given in the same plate, which contains an engraving of John of Gaunt's medal; and the following list of the coins thus discovered, has been kindly sent to me by Mr. Edwards of Burton-on-Trent, solicitor, who has some intention of publishing a detailed account of the same. The English coins were those of the first coinage of Henry the Third, and of that in the thirty-second year of his reign; those of the seventh and

and twenty-eighth of Edward the First, and those of Edward the Second, who does not appear to have had any *great* coinage, although during the course of his reign, he coined largely. The series of coins of Edward the First is quite complete at Tutbury, presenting those coined at London, Canterbury, York, Durham, Chester, Lincoln, Exeter, Bristol, St. Edmunds, Berwick, Kyngeston, and Newcastle, in England; and at Dublin, Waterford, and Cork, in Ireland. The prelatical coins of Durham are also complete during the reigns of Edward the First and Second: namely, those of Bishop Beck, Bishop Kellar, and Bishop Beaumont. Some prelatical coins of York were also found, and others with the name "Rob. de Hadley" upon them, which Mr. Edwards conjectures to have been struck at the mint of the abbot of St. Edmunds. The Scotch coins are those of Alexander the Third, John Baliol, and Robert Bruce, besides which there are a number of foreign sterlings of Brabant, Lorraine, Hainault, and the Empire.

The total number of coins thus found is supposed to have been, upon the most moderate computation, one hundred thousand.

The decay of the market of Tutbury, which was formerly held on a Tuesday, has been previously noticed, but the fairs continue to be well frequented; they are held on the 14th of February, the 15th of August, and the 1st of December in each year for horses, horned cattle, &c. To the first subsidy, 32d Elizabeth, 1590, this town paid thirty-six shillings and three-pence: in 1611 there were upwards of one hundred householders in it, whereof sixty were bur-

gesses and freeholders.³⁴⁰ In 1662, when hearth money was collected, there were one hundred and nine hearths here, which paid ten pounds eight shillings. The number of freeholders, who voted from hence at the general election in 1747, was forty-two, but of those qualified to serve on juries, according to a return made in 1764, there were only five. The population has of late years increased, in consequence of the additional number of hands employed in the cotton trade. By the census of 1801 this township contained only a population of eight hundred and forty-four persons, but in 1811 it had increased to twelve hundred and fifty-three; in 1821 it amounted to one thousand four hundred and forty-four, and by the last census of 1831, it contains one thousand five hundred and fifty-three inhabitants. The net expenses of the poor in 1776, taken from returns then made to parliament, amounted to £169. 4s. 2d.; the average sum annually raised by assessment in 1783 and the two following years, was £208. 7s. 4d.; in 1831 and the two following years, £570. 4s. 5d.; and by a return made in obedience to an order of the House of Commons, the amount raised during the year ending March 25th, 1832, appears to have been £670. 17s. 1d. of which £451. 16s. 8d. was actually expended in the relief of the poor, £125. 7s. 6d. in the payment of county rates, £38. 4s. 1d. in defraying the constable's expenses and salary to assistant overseer, and the remainder in journeys, bastardy arrears, medical attendance, repair of parish houses, and other incidental

³⁴⁰ From a copy of a deed of inspeximus amongst Mr. Wakefield's MSS. 9th James I.

disbursements. The annual value of real property here was assessed in April, 1815, at £5472.³⁴¹

Besides the school founded by Mr. Wakefield, there has recently been erected a very spacious Sunday school for boys and girls adjoining to the church-yard, under the superintendence of the present worthy vicar ; and the gratuitous assistance of Mr. Henry Jackson and other of the principal inhabitants in the management thereof, and in superintending the religious and moral education of the children who attend it, has been productive of the most beneficial effect. Amongst the dissenting chapels at Tutbury, that belonging to the Independents is by far the largest, it was endowed by the late Mr. Gresley of Tutbury mill, with a house for the minister and about twenty acres of land. The Wesleyan and Primitive Methodists have also their respective places of worship in this town.

Many of the offices originally appendant to the honor of Tutbury,³⁴² are fallen into disuse, and from the change of times become extinct, but that of high steward of the honor is still enjoyed by the Duke of Devonshire, who was appointed by letters patent of his late majesty under his duchy seal, bearing date the 15th of February, 1812 ; many of his ancestors had previously held the same, and although his Grace has disposed of the landed property which he once possessed in Tutbury, he still values highly the office which he bears. By virtue of this office he appoints John Philip Dyott, Esq., of Lichfield, to exercise the office

³⁴¹ From the books of account in the possession of the overseers of the poor of Tutbury.

³⁴² For a full account of these offices see Appendix.

of steward of the honor courts, and the three weeks courts. The former are become obsolete; the latter are held by him at the Shoulder of Mutton Inn at Tutbury every third Tuesday throughout the year, and all debts and damages under forty shillings for goods sold, servants' wages, labourers' hire, agistment of cattle, rent, money lent, trespasses, &c. are recoverable therein. The average number of complaints entered during the year is about three hundred, but out of that not more than three or four come to trial. The expenses of a trial to the plaintiff is from five to six pounds, and to the defendant from four to five pounds: the same practice is observed here as at the hundred court held at Walsall; namely, the defendant is first served with a summons, and in case of non-appearance a distringas issues against the goods of the defaulter.³⁴³ All persons residing within the honor have a right to sue at this court, the jurisdiction whereof extends to the various towns mentioned in the appendix in the respective counties of Stafford, Derby, Nottingham, Leicester, and Warwick. If the powers of this court could be enlarged, so as to embrace the cognizance of all debts under five pounds, and if the court was then held by adjournment in the remote parts of the honor, so as to afford more accommodation to suitors, the benefits arising from it would be much increased.

The auditor and steward of the manor of Tutbury is Richard Hinckley, Esq., of Lichfield, who holds the audit and manorial court once a year in the month of October.

Robert John Harper, Esq., holds the office of ax-

³⁴³ From the information of John Philip Dyott, Esq.

bearer of the forest of Needwood, surveyor of the woods, and master of his majesty's game and fish.

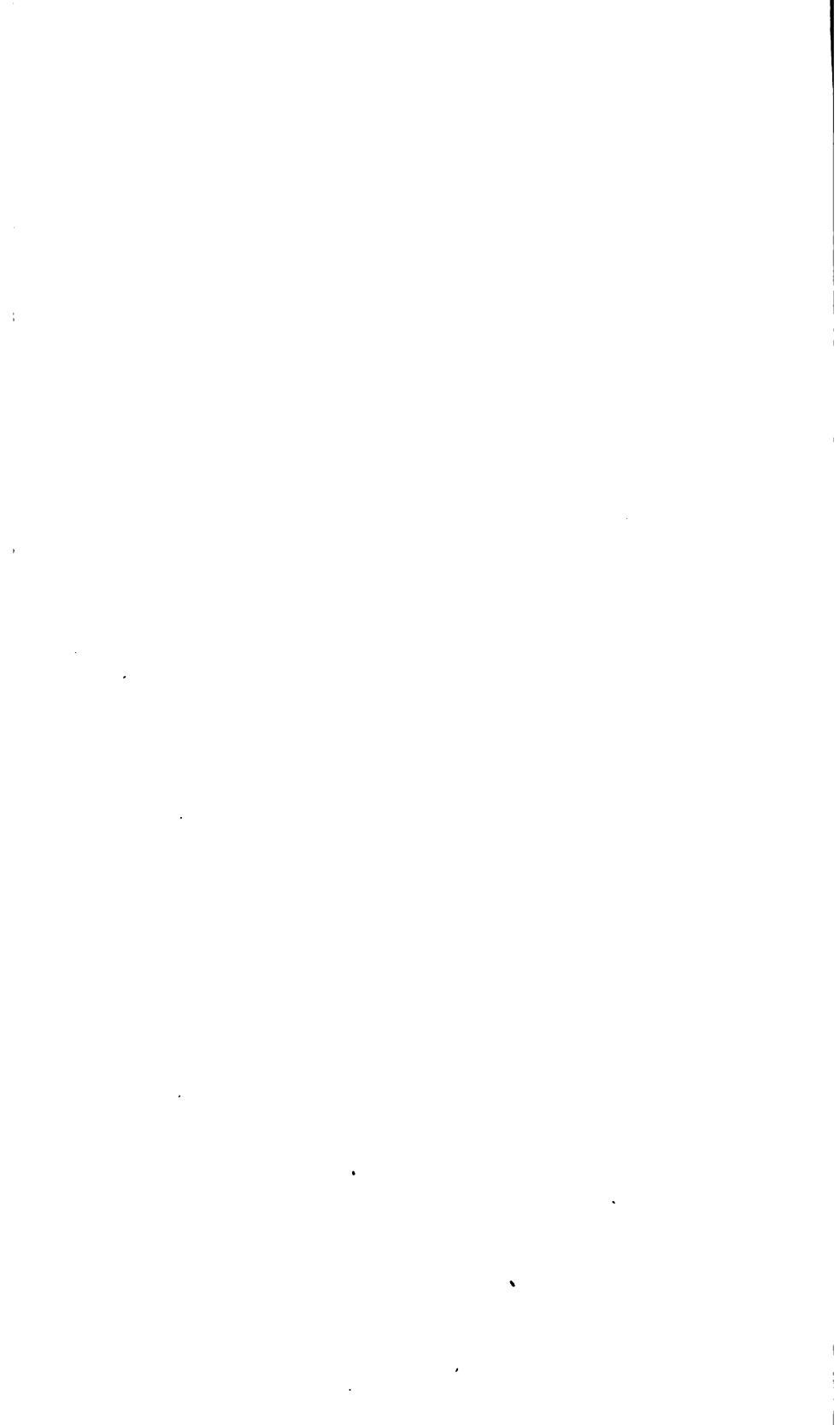
The offices of escheator and coroner throughout the honor are still claimed by the singular tenure of a hunting horn, which is now in the possession of the Rev. Francis Foxlowe, of Staveley, whose father purchased this horn and the grant attached thereto from Charles Stanhope, Esq.; and the coroners of the High Peak in the county of Derby have been ever since appointed by them in pursuance of the exercise of these offices.

Notwithstanding the prodigal alienations of the house of Stewart, a fine estate has devolved upon his present majesty out of the relics of his ancient honour of Tutbury. Improvements in the management of it might readily be suggested, and an increased revenue would be the natural consequence of money judiciously laid out upon it. The woods have been lately thinned too liberally of their timber, and the difficulties of conveying it away when felled from the steep banks on which it grew, together with the remoteness of water carriage, render the annual sales less productive than they ought to be. Neither is sufficient attention paid to the cutting of underwood, which in some parts of them is literally destroying the young timber. The want of a market for its sale is pleaded, I believe, as an excuse for this neglect, but although coal is universally preferred as fuel in the neighbourhood, yet the vicinity of the Staffordshire and Derbyshire potteries, in both of which there exists a constant demand for crate wood, must, I should imagine, soon obviate this objection, if diligent inquiries were made after customers. Parts of these estates also require draining,

and some of the farm buildings are out of repair ; a kiln, however, is now about to be erected at Castle Hays, to supply the tenants of his majesty with bricks and tiles, but whether it would not be more eligible to lease the lands and woods to the surrounding proprietors, upon conditions that all repairs were to be done at their expense, a stipulated quantity of timber only cut down each year, and a sufficient supply of game to be found by them for his majesty's table, is a question which I will leave to those who are official advisers of his majesty to solve.

In concluding the History of Tutbury I have only to regret, that ample justice cannot be done to a subject in every way so interesting to the antiquarian, historian, and topographer ; the materials with which I have been furnished, through the kindness of my friends,³⁴⁴ as well as those in my own possession, have indeed afforded me abundant information respecting it, but to extract from them that which was most valuable, without encumbering such extracts with obsolete phraseology and uninteresting repetitions, has been found by the compiler a task of no little difficulty. Such as the work is he now submits it to the impartial eye of a generous public, humbly trusting that at least something useful may be gleaned from the foregoing pages.

³⁴⁴ Amongst others the author has been peculiarly indebted to the Right Honourable Lord Bagot, R. J. Harper, Esq., and C. Danvers, Esq., of the duchy office, and C. G. Young, Esq., of the herald's office, for valuable information, to which, through their introduction, he has had access.



APPENDIX.

NO. I.

Epitaph of John of Gaunt, Duke of Lancaster, from a MS. book in the Duchy Office.

“HIC in Domino obdormit Johannes Gandavensis vulgò de Gaunt, à Gandano Flandriæ urbe loco natali ita denominatus, Edwardi tertii Regis Angliæ filius quartus, à patre comitis Richmondia titulo ornatus. Tres sibi uxores in matrimonio duxit, primam, Blancheam filiam et heredem Henrici Ducis Lancastriæ, per quam amplissimam adeit hæreditatem, nec solum Dux Lancastriæ, sed etiam Lecestriæ, Lincolnia et Derbiæ comes effectus, et cujus sobole Imperatores, Reges, Principes, et Prelatores propagati sunt plurimi. Alteram habuit uxorem Constanciam, quæ hic contumulatur, filiam et hæredem Petri Regis Castillia et Ligionis (usus est) hæc quin illi peperit filiam Catherinam ex quâ ab Henrico Reges Hispania sunt prognati. Tertiam verò duxit uxorem Catherinam, ex equestri familiâ et eximiâ pulchritudine fæminam, è quâ numerosam suscepit prolem. Unde genus ex matre duxit Henricus Septimus Rex Angliæ prudentissimus, cujus felicissimo conjugio cum Elizabethâ Edwardi quarti Regis filiâ è stirpe Eboracensi Regiæ illæ Lancastriensium et Eboracensium Familiæ ad exoptatissimam Angliæ pacem coaluerunt. Illustrissimus hic Princeps Johannes, cognamento Plantagenet, Rex Castilia et Legionis, Dux Lancastriæ, Comes Richmondia, Lecestriæ, Lincolnia, et Derbiæ, Locum-tenens Aquitania, Magnus Senescalus Angliæ, obiit XXII^{do}. Regni Regis Ricardi secundi, Anno Domini MCCCLXXXIX.”

He lieth interred in St. Paul's church, in London, in the north side against the communion table. The above inscription was evidently placed there in the reign of Henry the Seventh.

NO. II.

"The names of towns and hamlets within the honor of Tutbury, High Peak, and Castle Dunnington, with its members in the counties of Stafford, Derby, Nottingham, Leicester, and Warwick, and the names of officers therein and their authorities, &c. taken by virtue of a commission directed to Thomas Somercoates (auditor), Thomas Boothby (receiver and surveyor general of the said honor) and Thomas Wade, holding the place of steward therein, upon the oath of several tenants and inhabitants within the said honor made before them the 4th day of February, in the 2d year of the reign of King Henry (the 5th) as contained in a book called the Cowcher.

"In the County of Stafford.

Tutbury.	Houndhill.
Bushe house (Bushton).	Moreton.
Wood house.	Draycott.
Rolleston.	Coton.
Riddings.	Stubby Lane.
Aunsley (Anslow).	Fauld.
Barton.	Hanbury.
Tatenhill.	Woodlands.
Tunstall (Dunstall).	Smallwood.
Callingwood.	Uttoxeter.
Newbold.	Flateley (Flat Leys).
Wichnor.	Loxley.
Bredsall (Bridshall).	Sandon.
Yoxall.	Shebsey (Chebsey).
Sale.	Greedon (Grindon).
Woodhouses.	Butterton.
Morrey.	Hatherton.
Ridware hampstall.	Alestone field (Alstonefield).
Sandborowe.	Stronkshall (Stramshall).
Neddertowne.	Stoake (Stoke).
Horecross.	Bradnapp.
Newborrowe.	Newcastle.
Agardsley.	Penkhall.
Thornihills (Thorny Lanes).	Woolstanton.
Marchington.	Cleiton.

Shebridge.	Stanton.
Chelton (Shelton).	Bromecott.
Hesecloughe.	Fenton.
Alton.	Draycott super le Moores.
Prestwood.	Russheton.
Glastwood (Ellaston Wood).	Madeley.
Bloore.	Whitmoore.
Oakeover.	Balterlie.
Coldwiche.	Clifton (Campville).
Mathfield (Mayfield).	Haunton.
Caldon.	Harlaston.
Thrauley (Throwley).	Chilcott (in Derbyshire),
Careswall (Caverswall).	and
Dillorne.	Thorpe
Werston (Weston Coyney).	Constantine.
Norton.	

" In the county of Derby.

Scropton.	Kirke Somersall.
Foston.	Potter's Somersall.
Markley (Mackley).	Hatton.
Sapertonlyes (Saperton).	Dalbury Lees.
Woodhouse (Woodend).	Osmaston.
Appletree Hundred.	Edlaston.
Telseile.	Shurley (Shirley).
Atlow.	Roodesley (Rodsley).
Marston Montgomery.	Bralesford parva.
Cubley.	Broughton.
Yeldsley (Yeldersley).	Etwall.
Sudbury.	Ashe.
Aston (near Sudbury).	Eggington.
Marston juxta Tutbury.	Breadshall.
Dove Bridge (Doveridge).	Thurvaston over.
West Broughton.	Thurvaston nether.
Yeffley parva (Yeavley).	Snelston.
Barton Blount.	Chelston (Chelaston).
Sutton on the Hill.	Normanton.
Somersall on the Hill.	Kittleston (Kedleston).

Alestric (Allestry).	Middleton.
Tereston.	Tissington.
Chelmorton.	Bradbourne.
Alkemanton.	Rooleston juxta Swerston.
Bradley.	Burrowe Ash.
Sturston.	Sumersall.
Eyton (Eaton Dovedale).	Aleston.
Sedsall (Sedseal).	Mapley (Mapperley).
Northbury (Norbury).	Dyn Aston juxta Derby.
Ressington (Roston).	Horsley.
Hilton.	Locker (Locko).
Brailsford magna.	Wyndley (Windley).
Wyaston.	Aleston and
Yeffley Magna (Yeaveley).	Hoodluck (near Wirksworth).
Ferne Bentley.	Mayneshill (Mansell).
Hungrey Bentley.	Chesterton.
Hollington.	Cheepe coate.
Trusley.	Haddersuet.
Boyleston.	Wingfield.
Aleaston (Osleston).	Kingswood.
Barton grave.	Croxhall.
Twyford.	Catton.
Stynston (Stenson).	Greysley.
Ierton Smythe (near Kedleston).	Ticknall.
Weston underwood.	Forme wood (Foremark).
Muggington.	Findarne.
Murkaston (Mercaston).	Lullington.
Aleston (Arleston).	Appleby and
Burneaston.	Lamberton.
Barowcott.	Staple steed.
Radbourne.	Lynton.
Barrowe.	Swadlingcote.
Swerkston.	Ashby parva.
Newton Sulnie.	Bayerston.
Weston.	Stanton.
Willesley.	Worthington (in Leicestershire).
Memorton (Mamerton).	Manslowe.
Spondon.	Tillington.
Chaddesdye (Chaddesden).	Hartishorne (Hartshorne).

Hunston (Hanson Grange.)	Cubley.
Wendislie (Wensley).	Ballydon (Balidon).
Snitterton.	Tanesley (Tansley).
Kerston (Carsington).	Mappleton.
Hopton.	Bradbourne South.
Melbourne.	Heagh.
Newton (Kings Newton).	Maberton.
Hartington.	Buttlowe (Butterley).
Bigginge (Biggin).	Wingerdellworth (Wingerworth).
Heathcote.	Egentsall (Edwinston Hall, near
Wilnscote.	Ashover).
Steenewall.	High Peak.
Crothcote (Crowdicote).	Glossoppe.
Ashborne.	Buckston.
Ashcote.	Fernefield.
Underhill.	Fernell.
Broughton.	Staden.
Wale	Cowdall.
Duffield.	Sterndall.
Hasull wood (Hazle weod).	Chelmerton.
Houlebroke (Holbrook).	Tiddiswall.
Idrysitche hey.	Weston.
Alderwasley.	Monyashe.
Turnditch.	Yolgreve.
Cowhouse.	Stanton.
Holland.	Gretton.
Heigh bridge.	Overhaddon.
Werkesworth (Wirksworth).	Coukesbury.
Bonsall.	Darley.
Matelocke (Matlock).	Winstree.
Offcote.	Burchover.
Underwood.	Harthill.
Perwiche (Parwich).	Chatisworth.
Smerewiche (Smerrill Grange).	Biley.
Longnor (in Staffordshire).	Edensey.
Hoggenaston (Hognaston).	Pillisley.
Elton (Alton).	Baslowe.
Callowe.	Stooke.
Deythicke.	Middleton.

Padley parva.	Calver.
Hathersuch.	Woodland.
Bromeford.	Birch hills.
Overhurst.	Marshall.
Hunghe.	Rollealey.
Thornihill.	Shelton.
Followe.	Edall.
Hatchlowe.	Taddington.
Shatton.	Prestcliffe.
Hope.	Worms hill.
Aston.	Hardwickwall.
Aveney.	Tunstead.
Wardlowe.	Meydon.
Chappell de Fryth.	Grettrickes.
Ashlowe.	Castleton.
Hogglowe parva.	Bradwall.
Afferton.	Heyfield.
Lynton.	Bandon.
Longdon parva.	Ashope.
Roland.	Ershawe.
Hassope.	Hill.

" In the county of Nottingham.

Byngham.	Clipston.
Broughton.	Edwalton.
Lewald.	Kerkwalston.
Clyfton.	Shulton.
West Leeke.	Kerbye.
East Leeke.	Alerton.
Sweston.	Clare Birch.
Boughton.	Craton.
Plumtree.	Normanton Nortl.
Hicklinge.	Cotton.
Codlingstocke.	Marcham.
Muscame.	Skedgbie.
Carlton.	Herywithe.
Keyworth.	Hascilesley.
Ruddington.	Mapulleke.

Skerrop.	Keyerton.
Kersall.	Walesbye.
Weston.	Clumver.
Sutton.	Bathley.

" In the county of Leicester.

Twycrosse.	Sepston.
Hogsnorton.	Leire.
Goppeshall.	Orleston.
Snareston.	Broughton.
Bilston.	Neylston.
Orton upon the Hill.	Over Normanton.
Shepey.	Belgrave.
Cunston.	Selbye.
Cassington.	Oneleape.
Aplebye.	Gunthorpe.
Little Ashbye.	Peckleton.
Castle Ashbye.	Castle Dunnington.
Great Seele.	

" In the county of Warwick.

Aulstrea.	Whatley.
Bramecote.	Sryncote.
Greendon.	Stapleford.
Whittington.	Bisford.
Merryvaile.	

The names of officers in the counties aforesaid, as contained in a book called the Couches.

The chancellor of the dutchie of Lancaster.
 The high steward of the honor of Tutbury.
 The auditor of Tutbury, the High Peak, and Dunnington Fee.
 The receiver of Tutbury and Dunnington Fee.
 The surveyor of the honor of Tutbury.
 The feodary of the honor of Tutbury.
 The woodmaster of Needwood.
 The surveyor of the chase of Needwood.

- The clerk of the courts of the honor of Tutbury.
The constable of the castle of Tutbury.
The keeper of Rolleston park.
The keeper of Castle Hey park.
The keeper of Handbury park.
The keeper of Agardsley park.
The keeper of Rowley park.
The keeper of Sherwold park.
The keeper of Barton park.
The keeper of Heyglinns park.
The keeper of Stockley park.
The keeper of Tutbury ward.
The keeper of Barton ward.
The keeper of Yoxsall ward.
The keeper of Marchington ward.
The keeper of Uttoxeter ward.
The porter of Tutbury castle.
The collector of the wards of Needwood.
The lieutenant of Needwood.
The bayliffe of Needwood, called the bayliffe of the franchises in the county of Stafford.
The bayliffe of Tutbury.
The bayliffe of Uttoxeter.
The bayliffe of Agardslie.
The foreign bayliffe of Tutbury, called Radman bayliffe of Staffordshire.
The keeper of Foston heath.
The steward of Melbourne.
The constable of the castle of Melbourne.
The keeper of Melbourne park.
The bayliffe of Melbourne.
The steward of Appletree hundred and Coleshill.
The woodmaster of Duffield fryth.
The lieutenant of Duffield fryth.
The keeper of Ravensdale park.
The keeper of Mansfield park.
The keeper of Posterne park.
The keeper of Shottle park.
The keeper of Belper park.

The keeper of Duffield ward.
 The keeper of Colebrook ward.
 The keeper of Belper ward.
 The keeper of Holland ward.
 The keeper of Milley hey.
 The collector of the wards in Duffield fryth.
 The ranger of Duffield fryth.
 The forsters of fee in Duffield fryth.
 The bayliffe of the new liberty, called the bayliffe of the franchises
 in Derbyshire.
 The foreign bayliffe of Tutbury, called Agard's bayliffe in Derby-
 shire.
 The bayliffe of Appletree hundred and Coleshawe.
 The bearemaster of Wirksworth and Wirksworth wapentake.
 The bayliffe of Wirksworth soccage, called the forren bayliffe.
 The bayliffe of Ashborne.
 The bayliffe of Hartington and receiver there.

" High Peake.

" The high steward of the High Peake.
 The master forester of the High Peake.
 The receiver of the High Peake.
 The constable of the castle of the Peake.
 The surveyor of the forest of the High Peake.
 The lieutenant of the forest of the High Peake.
 The bowbearer of the forest of the High Peake.
 The ranger of the forest of the High Peake.
 The foresters of the fee of the forest of Peake.
 The bearemasters of the High Peake.
 The bayliffe of the franchises of the High Peake.
 The bayliffe of windlands in the High Peake.
 The bayliffe collector of the attachments, amerciements in the
 High Peake.
 The county bayliffe of the High Peake.

" Castle Dunnington.

" The steward of the castle of Dunnington.
 The steward of Wirksworth.

The steward of Ashborne.

The steward of Newcastle under Lyne.

The steward of the wapentakes of Allerton, Plumtree, Risley, and Brainston.

The bayliffe of Castle Dunnington.

The keeper of Dunnington parke.

The bayliffe of Newcastle under Lyne.

The bayliffe of the wapentakes of Allerton, Plumtree, Risley, and Brainston.

" Here beginneth how all officers in the honor of Tutbury shall occupy their offices as belongeth to them, and their authoritye.

"First, the chancellor of the dutchie of Lancaster is made by the king, and authorized by the king's letters patent under his dutchie seale, and a fee therefore, and another fee for the chancellorshipp; and he is the head officer within the honor, and he is the king's lieutenant, and all other officers shall obey his commandment; and he shall punish all ryotts made within the honor; and officers that wronge the king in their offices, and such as enter upon the king's possession, or upon the king's farmes, or the king's customarie tenants, and putt them out of their takings, and such as withhold the king's rents, or withdrawe his service or their duties, or maketh any concealment thereof, and imbesell the king's records, court or rent rolls, or any such misdemeanours. He may send for them by the king's privie seale or messenger of the dutchie, and upon their appearance examine the matter, and the matter being proved against such or confessed, he may committ them to warde, there to remain during the king's pleasure, till such tyme as some order may be taken by the chancellor and counsell of the dutchie. Also if any tenant or farmer or any other officer of the dutchie, be sued in any other of the king's courts for any cause concerning the king's interest of his dutchie, the chancellor may send the attorney of the dutchie, to appear to the action for the king, and give the parties their day to appear before the chancellor and counsell of the dutchie, and there matters to be examined and ordered. And alsoe the chancellor of the dutchie may sett and farme, by indenture under the dutchie seale, all farmes and demeane lands that are not above the value of 16s. 8d. by yeare. And if any benefices do fall

within the honor that is of the king's gift, the chancellor shall name a clerke, and make a presentation to him under the dutchie seale, and send him to the king, and soe the clerke to be admitted. Alsoe the chancellor nameth to the king the officers of the dutchie; the auditors, the receaver, the feodaryes, the clerke of the courts, that shall minister the lawe to the king's tenants, the stewarde of Allar-ton and Plumtree, with the members, the porter of Tutbury castle, and collectors that gather the king's rents and duties, and all officers accomptants. He may disallowe fees of officers, upon considerations and misdemeanours done by officers in their office. Alsoe the chancellor may deliver all manner of persons committed to warde by other officers, for offences done within the honor, and cause them to be brought before him; and the counsell of the dutchie and they to examine the cause and to determine it. And if any person clayme to have common office, or any other profit, by inheritance or otherwise, within the king's lands or waste grounds, or would charge the king's customarie tenants with any charge, the chancellor may send for them, and determine and order the matter before him, and the counsell of the dutchie, and shall command the claymor in the meantime to cease his occupation or trouble therein, untill such tyme as the king's tyle bee discused, and all such matters as concerneth the king within the dutchie shall bee ordered and determined before the chancellor of the dutchie. Alsoe the chancellor of the dutchie shall appoint, when any wood-sales shall bee made within any grounds of the dutchie, and shall direct his warrant for the deliverye of tymber for necessary reparations of the king's castles, manors, milnes, and other farmes and tenements, and may direct his warrants to the keeper of every parke within the dutchie for a buck in summer and a doe in winter, and give them to whom it pleaseth him, as of old tyme it hath been used and accustomed.

"The high steward of the honor of Tutbury and of the High Peake, and all other stewards within the accompt of the receiver of Tutbury.

"The stewards are named and made by the king, and they are authorized by his letters patent under the dutchie seale, and the fee is for the stewardship of Tutbury in Staffordshire and Derbyshire £17. 6s. 8d. and Duffield fryth, Appletree hundred, and Colshall

£9. 2s. 6d. and for the stewardship of Ashborne 4 marks, for the stewardship of Castle Dunnington 10s. and the stewardship of the High Peake £9. The offices are occupied sometye by one steward and sometymes by several stewards att the king's pleasure, and they may make theire deputyes, but theire deputyes have noe fee of the king nor costs allowed him, for the king findeth an under-steward, called the clerke of the courts, 26s. 8d. by the yeare of reward, but noe other costs nor fees. Alsoe the steward or under-steward shall appoint the courts and woodmoots, and either he, or his under-steward shall bee att them, and order all playnts and varyances amongst the king's tenants and inhabitants within the honor, and shall take all services of all tenants of copylands or custom lands in the court, and admit the tenants of copylands or custom lands, and shall asseesse theire fynes according to theire custome, but hee nor his deputy nor under-steward shall take noe surrender of copyland out of the court except it be for a speciall cause, as if the tenant would goe to the holy land or beyond in the king's service, or else bee visited suddenly with sicknesse or being in perill or danger of death or such like. And in such cases the surrender made to the steward or under-steward is good and available, but noe tenant can make any surrender of theire copyhold lands to any other person's hands out of the court, and if they doe it is voyd. But the tenants of the copyhold lands may by letter of attorney surrender theire copyhold lands in the court to whosoever it pleaseth them, and the steward or under-steward or their deputy, ought to admitt the same after the custome. But the steward to see that no surrender bee made to defraud the king of his herryott, but that the king bee answered of his herryotts, releife and other profitts of the court. Alsoe the steward shall sett and lett all new approvements and new assarts taken out of the king's chase or wast grounds, and shall see that the common of the king's tenants bee not overcharged, and that noe outman occupye the common of the tenants, and that there be no incroachment made within the common, nor any land kept in severaltie that ought to bee open; and alsoe that there bee noe wast made in any of the king's grounds and woods, and that the customarie tenements that shall be reive houldings bee sufficiently repaired and kept upp, and the king's streames and waters bee not turned, stopped, nor inhansed by wyere gates or hedges to the hurt of the king or his tenants, and alsoe the steward

shall see that there bee foure woodmoots kept every year, and shall seize the fynes of such persons as bee presented att the woodmoots for offences within the king's forests, chases, or parkes. And if any in ward for huntinge, falling of wood, or for any other trespass done within the king's forest, chases, or parkes, the steward may deliver them takeing sufficient surety of the partye by obligation, that hee shall be from henceforth of good abearing against the king's vert and venyson, which bond the steward must certifie to the chancellor in the dutchie chamber, there to remaine of record, so that the king may bee answered thereof if afterwards it bee forfeited. And alsoe that the steward and surveyor shall make warrants to the keepers for the deliverye of tymber for the repairing of the king's lodge and tenements, and for paleing of the parks, makeing of the borders, and the surveyor of the chase of Needwood shall see the deliverye thereof. But in anywise he must be put into the warrant with the steward by these words: *pervisum supervisoris Chaciede Needwodd*. Alsoe the steward shall have the rule and oversight of the king's tenants and inhabitants within the honor, and shall see that they bee not retayned with any person, and they shall waite upon him to doe the king's service in tyme of warr or otherwise. Alsoe the steward shall make a replevin for their beasts taken within the honor, soe that they be not taken for the king's dutye or cause, and the tenant may make his plaint in Tutbury court for the said takeing, if he dwell in any town that is of the honor and parcell of the honor, or else he shall have noe replevin. And likewise if any tenant that is of the honor, sue another by plaint of debt, trespass, detriment, or covenant out of Tutbury court, if it exceed not 10*s.* the party plaintiff shall loose 10*s.* to the king, which the foreign bayliffe of Tutbury shall levy and gather, and if that bee in a plaint taken concerning freeholds, or doe amount above the sum of 10*s.*, it is not determinable in their courts, but att the common lawe. And the steward may send 2*d.* to the court where the plaint is, if it bee under 10*s.* and fetch the plaint thence at any tyme before levye made, and punish the plaintiff for his offence contrary to the custome. Alsoe the steward may take in every place where deare are, if the ground may beare, a buck in summer, and a doe in winter, and make warrants to the keepers of every office for the deliverye of them to whom it pleaseth him. And he hath a fee of old tyme accustomed in every park that bee of a continuance. A horse grasse in summer,

and a stock of wood or else three loads of wood for every office, if hee bee dwelling within the honor, or else hee shall have none.

“The woodmasters of Needwood, Duffield fryth, and of the forest of the High Peake.

“They are named and made by the king, and authorized by the king's letters patent under his dutchie seale; their fee is for Needwood eight marks, and for the High Peake ten marks; they may make theire deputyes, which are called lieutenants, but they have noe fee of the king but the woodmaster's reward. Their office is to oversee the king's game and woods, and to serve warrants to them directed, and to order the game when tyme of huntinge is made, and to correct offences done in the forest, chase, or parke. They shall see that there bee noe rejectors or buckstalls sett upon the border, and send to the steward if there be cause, and appoint woodmoots. And in Duffield fryth there is a surveyor, he is surveyor of the woods. And the woodmaster shall sweare the keepers att the woodmoots, and present concealments of other keepers and offences done in the king's forest, chase, and parkes, and take hunters and men suspected for hunting, that bee bloody-handed or back-bearing, or bee att the death place, or in such like suspitious causes, finding them in such forme and fashions.

“Alsoe the woodmaster, with the surveyor and the steward's deputye, shall oversee the ajoystment of the king's parkes, and lay them for the king's most advantage (if they go by approvment and be not sett to farm) and see that they be not overlayed; and they, with the surveyor and foure of the king's tenants, shall appraise the king's deare fallen wood, and for spilding wood, and the king's tenants, to have them upon a price before any man.

“Alsoe the woodmaster, surveyor, and the two keepers, in the latter end of March, shall take the view of the deare in every office yearly, and shall see that the murrion deare be burned; and indent the number betweene the keeper and him; and shall see that the king's woods be not wasted, and that the spring be saved where woodsales have byn made, and that the lodge paile and border be repayred. And if the keeper's deputyes bee distroyers of the game he may present them and cause the keepers to change them. Alsoe the woodmasters have had of old tyme a stoned horse grase of every

close ground that hath byn of old tyme impayled, and of a parke of old continuance for his quarters, sente a deare in summer and another in winter; and a key of every pasture ground or gate in every close ground, that hee may come in and see the ground and what is done there; and he shall have a stubb of wood, or three loads of wood, for his fuell in every place that wood is in, both in parkes and wardes; and all trees that are broken with the wind, that his [deputye may reach the breaking with his bowe, holding it by midst, being one load of wood and not above two loades of wood nor breakeing earth, is the woodmaster's. And if it breake earth or bee above two loades of wood it is the king's; and all wood of small value broken with the wind that is under halfe a load of wood, is common to the king's tenants; and if it bee halfe a load of wood or a load of wood soe broken and not above, then it is the keeper's of the ground.

"Alsoe the woodmaster may appoynt one to walke under him in the forest, parkes, and wardes: hee is called in Duffield fryth the bowbearer, and in Needwood a ranger, but he hath noe fee of the king, but the woodmaster his reward, and hee shall see that the beasts be layed to herbage, and the parke to be voyd from the herbage a day before Michaelmas untill Martillmas, and likewise from Candlemas to the invention of the Holy Cross, and that in snow and hard weather the beasts bee voyded out of the grounds and parkes, soe that the deare may have the browseing of the wood, and he shall see that the coppyes bee layed open in March, and that they lye in ajoystment untill May day, and then keepe the coppye; and hee shall see that the parkes bee not overlayed, and if they bee overlayed, soe that the game cannot have sufficient, then he shall command the ejoysters or farmers to avoid the place of the cattle, soe that the deare may be saved; and if any keeper doe present any hunter att the woodmoots, and all the other keepers being sworne do affirme the same, then the woodmaster shall take the trespasser, and have him to the castle, there to remayne untill hee have found suretyes sufficient to the steward to bee of good abeareing both to vert and venison, and to all the king's officers and tenants within the honor by the discretion of the steward.

"The auditor of the honor of Tutbury and Dunnington fee.

"Hee is named by the chancellor; authorized by the king's letters patent under his dutchie seale; his fee is for Tutbury £10.; he is the chiefest officer during the auditt tyme, and hee may command all other officers to come and give their attendance, and to assist him the tyme of the auditt; and hee hath authority to commit such as bee accomptants here before him to ward, upon causes of misdemeanour afore him proved; and hee shall once examine the king's decayes within the king's lordshippes, and for reformation of them take directions and see the reparations that bee made, and make warrants for the tymber to bee taken for necessarie reparations. Alsoe he shall sweare the accomptants upon a booke, to make a true accompt and just of all that cometh to their hands, and they to shew such things as the king is wronged in; and hee shall command the receavors to see that all necessarye reparations bee made, and shall allowe all things necessary for the same.

"Alsoe the auditor hath a duty of old tyme accustomed of £7. 10s. payd to him att Tutbury by the reteynor of the tyme of the auditt for the costs of the auditor, the receivor, and clarke of the courts, and the king's tenants, reives, bayliffes, and others that thither doe resort the tyme of the auditt. And the steward payeth 10s. the receiver 10s. the auditor 10s. (that is for dyett) and the auditor hath for the engrossing of the booke 30s. 4d. and for paper and parchment 13s. 4d. and his clarkes have of every accomptant for the cheque fee 16d.

"And the auditor, receivor, and clerke of the courts have their horses found att the king's cost during the auditt tyme; alsoe the auditor may hunt in any parke or other offices dureing the auditt tyme, and command any other to hunt for him; and hee may make warrants for the deliverie of one doe in every office, and give them to whom it pleaseth him; and hee may take a draught in every of the king's pooles and waters; and hee shall command the steward to bring in the court rolls of every lordshipp, and see that they bee engrossed in parchment, and made formable; and the straites bee delivered to the king's bayliffe or reives in every lordshipp; and he may make warrants against such officers as will not come to the auditt to doe their duties, and hee may assess fynes upon officers

that doe disobey his commandment, and hee may committ such bayliffes and reives as be found in arrerages upon their accompt to ward, there to remayne till such tyme as the king is answered of his whole entrye, unless the receivor lett him to bayle upon sufficient suretye, such as hee will answer att his perill; and in like wise hee may committ to ward such officers accomptants as refuse to make their accompts, there to remayne untill such tyme as hee will accompt and find sufficient suretye for the payment of the king's money in their hands.

"The receiver's office of the honor of Tutbury and of Dunnington fee.

"The receiver is named by the chancellor, and made by the king's letters patent under the dutchie seale; his fee is for the receipt of Tutbury £7. 6s. 8d. and for the receipt of Dunnington fee £4. 13s. 4d. and he hath allowed him for the portage of every hundred pounds, and soe after the rate and hee is general surveyor of all the honors, castles, manors and farmes, and alsoe of all the king's workes; and for that hee hath £8. 6s. 8d. yearly, and hee may sett and lett all demeane lands and farmes that exceed not above the yearly value of £20. 6s. 8d. by the yeare, for the terme of three yeares to seaven yeares or twenty-one yeares; and alsoe such leases made by him dureing the terme aforesaid are good, and dureing the said terme hee shall receive all rents and duties within the honor and Dunnington fee, and send bills to the reives, bayliffes, and farmers, to bring their payments att their days accustomed. Some lordships doe pay att Martlemas and Midsummer, and some at Michaelmas and the Annunciation of the Lady, as the custome of the lordshipp is. And the custome rent payeth commonly at Martlemas and Midsummer. And hee shall see the reparations of the king's castles and manors, lodges and farmes, and command tymber to bee fallen for the same, and soe it be taken where it is most necessarie and may bee best spared, and all lopps and cropps of all wood thereof hee shall sell for the king's most advantage, and shall pay all workmen their wages. Alsoe the receiver shall have a key of the pasture gate of every parke to come in att his pleasure, to see the ground, lodge, and pale, that they bee sufficiently repaired. And hee shall see that the pannage days bee layed, and the tack days bee kept, one after St. Luke's

Day, and another after Martlemas, and send to the steward and woodmaster to appoynt them, and see that the officers bee warned ; and every keeper at the first day of pannage shall pay 10*d.* and every reive 12*d.* have they swine, or have they none. And the receiver shall have of tack money in Needwood 13*s.* 4*d.* ; and every keeper in Duffield fryth payeth 12*d.* for his tack money, and every reive 7*d.* ; the receiver shall have in Duffield fryth 12*d.* for his costs, and the receiver is allowed upon his accompt for paper and parchment 3*s.* 4*d.* and for baggs 2*s.* And the receiver shall have meat and drinke for himselfe and his servants dureing the auditt tyme att the king's costs, and every meale a messe of meat to his chamber, and his horses found att the king's costs, as the auditor's is. And hee shall oversee the king's swannes, and seize all land swannes, and strayfe swannes going on the rivers. Alsoe the receiver hath had of old tyme accustomed a horse grase in summer in every parke, and a tree or two loads of wood for his fyer in winter in every parke and place where wood is in ; and in every office where deare is a buck in summer and a doe in winter. And hee may take surety of the accomptants for their debts, such surety as hee will answere att his perill ; and hee may make a deputye to survey the works, which hath 26*s.* 8*d.* allowed him of the king yearly, and 4*d.* of every accomptant for chequer fee, and such reward further, as the receiver will give him. Alsoe the receiver maketh a bayliffe arrand, and hee is called the bayliffe strayner ; his office is to warne all accomptants and officers to come in to his auditt, and he shall bee ready at the receiver's commandment to fetch in all bayliffes and reives att such days as the receiver appoynteth, and distrayne them to come in, if they make default ; and hee hath 30*s.* 4*d.* fee payd him yearly. And the receiver may cause such accomptants as make default of their payments to bee sued by action or privy seale, or cause the bayliffe strayner to distraine the lordshipp for the king's duty.

" The feodarye of the honor of Tutbury.

" Hee is made by the chancellor, and authorized by the king's letters patent under his dutchie seale : his fee is of old tyme accustomed £4. by the yeare, and hee may make his deputye, but his deputye has no fee of the king but his master's rewards. The feodarye shall seize all warders that fall to the king within the ho-

nor, the High Peake, and Dunnington fee, and hee shall receive all the releives and fynes for respect of homage, and hee may sett and lett all lands of the king's wards there for the king's most advantage, and receive the profits thereof during their pamage, and hee shall receive the profits of all escheats lands, forfeit lands, with all other profits pertaining to the king's exchequer within his honor, and shall enquire of all such articles as the escheator may. Alsoe hee shall warn the king's homages to come to the turne that shall bee kept att Tutbury, and all that day hee may impannell an inquest of the king's tenants, the which shall inquire of the death of the king's homagers, and the value of the lands and age of their heires, and in whose keeping such heires bee, and what did fall to the king by the death of such their ancestors, and in likewise of old lands purchased by the king's bondmen, and of lands occupied by bastards as heires, of alienations made by the king's tenants in Mortmaine, and of all attainted lands, or lands forfeited by outlawrye or otherwise.

"Alsoe the escheator of old tyme accustomed hath used to have for the inquirye of such as bee the king's wards, if his lands be £40. and above of yearly value, 40s. for inquiry, and if that bee 40 markes 26s. 8d. and 20 markes 13s. 4d. and soe after the rate. And alsoe a tree in the heire's wood, and a draught in his poole, and a deare in his parke if he have anye.

"The surveyor of the chase of Needwood.

"Hee is named by the chancellor, and made by the king's letters patent under his dutchie seale; his office is to survey the king's chase and parkes, and to oversee that the woods bee not wasted nor any fallen without warrant, but if it be for the king's reparations of his castles, manors, and farmes. and to bee delivered by bill indented between the receavor and him, and the keeper of the same grounds where it is taken. And hee shall bee one of the bounders and sessors of woodsales in Needwood, and hee shall see that the parkes bee not overlayed and overcharged with cattle, soe that the deare dye not for want of meat; and hee shall have a key to the pasture gate of every parke, soe that hee may come to see the reparations of the lodge and pale att his pleasure. His fee is 30s. 4d. yearly; and hee hath had of old tyme accustomed in every parke a horse grasse, and in every parke where deare is a buck in summer

and a doe in winter, if the ground may beare it, att oversight of the woodmaster, and in every parke and warde where wood is a stubb of wood or three loades, and att the first tacke day hee shall have 4*d*. and a base roape of the basters. Alsoe the surveyor shall keepe the king's axe that trees bee marked with, and all trees that bee falled by warrant, and for the king's reparation of his parke pales, borders, and lodges, and for the reparations of the king's tenements; they shall bee marked with the king's axe in three places, and hee shall have 1*d*. for the marking of every tree that is delivered by warrant, soe that it bee not for the king's reparations, and for the lopps and cropps of them the collector of the ground shall accompt. Alsoe the surveyor may make his deputye, but the deputye hath no fee of the king but his master's rewards, and the surveyor or his deputye, the woodmaster and receavor, and the collector of the same warde, shall bee att the meating of the same pale, and the surveyor or his deputye shall bring the rope and lyne to meat the pale with, and hee or his deputye shall lead the lyne, and the surveyor, woodmaster, or receiver, shall indent with the palers and collectors of the number of roodes, and how many of them bee new worke, and how many of them bee betying worke, and to certifye that att the auditt; and in likewise the surveyor and the woodmaster shall every yeare att March take a view of the deare that bee alive in every office, and the number of such as bee dead, and indent both with the keepers of the number of them that bee alive, and alsoe of them that bee dead, and soe that the deare that bee dead bee burned. Alsoe the surveyor or his deputye may lead a hound in every office, and present defaults att the woodmoots and concealments of the keepers. Alsoe the surveyor or his deputye shall bee att the search of the tacke with the collectors or keepers or their deputies, and present them that have concealed their tacke, and they shall forfeit their swyne, or make fyne as the steward will appoynt.

"The king's clarke of the courts within the honor, called the under steward.

"Hee is named by the chancellor, and authorized by the king's letters patent, under his dutchie seale; his office is to keepe Tutbury courts of the forren bayliffes, and the hundred of Appletree, and to bee att the great leets att Duffield and Spoondon; and hee shall order all plaints taken within the courts for custome lands,

and if hee bee deputye for the high steward, then hee shall keepe all the great leets under Needwood, and att the other courts that shall bee kept every three weeks, the which the deputy steward keepeth. And hee shall have the direction of all the plaints of land, and the deputy steward of the other personal plaints, that bee under the value of 40s. And the steward shall have nothing for any entry of any personal plaint but 1*d.* and for the copy of the plaint, if the partye aske it, 1*d.* and 1*d.* the action, and 1*d.* for the continuance, and 2*d.* for the levare; alsoe the clerke of the courts hath yearly 26*s.* 8*d.* of fee, paid to him by the king's receiver, and 13*s.* 4*d.* paid him by the receiver of the king's pannage money, and he hath alsoe allowed him for paper and parchment 13*s.* 4*d.* yearly, and hee shall bee att the auditt, and have meat and drinke with the auditors and ryceivors, and his horse found att the king's costs during the auditt, and hee shall make bills of allowance to the collectors for reparations, and shall have 12*d.* of every collector for making his bill. Alsoe the clerke of the courts shall have 2*d.* for every plaint taken for land, and hee shall make search for the tenants if they desire it, and have 12*d.* for the search makeing, and hee shall bee at the woodmoots, and privie to the sessing of fynes for the reeve's holding, and it is most commonly used that one man holdeth both the offices, because the steward giveth no fee. And likewise hee that is steward is commonly woodmaster. And if it be severed, it is as above said. And the stewards and the clerke of the courts have had of old tyme accustomed of the tacke money in Duffield fryth 13*s.* 4*d.* and hee shall take surrender of copy lands in the courts, but no tenant shall make surrender to any person out of court, but to the steward or to his deputye.

“ The constables of the castle of Tutbury, Melbourne, Dunnington, and High Peaks.

“ Hee is named by the king, and authorized by his letters patent under his dutchie seale: the fee is for Tutbury £3. 6*s.* 8*d.* and for Dunnington 40*s.* for Melbourne 4 markes, and High Peake £4. Their office is to attacke persons within their libertye for offences done to the king, and bring them to the castle which is under theire rule, whether it be by the king's commandment, or hy the commandment of the chancellor of the dutchie, or of the high steward,

and there safely to keep them until they have a sufficient discharge for the deliverye of them. And they shall see the castles kept cleane, and the walls and leads, and they shall have of every person committed to ward by such commandment, or for vert or venison, 2s. 4d. And if any person be there in ward for the king's debt, or for any other causes, the porter of the castle shall have the whole fee. The constable's lodgeing att Tutbury is within the porter's lodgeing att the gate; and of the constable of the High Peake one man occupyeth both offices of constable and porter. And the constables may make their deputyes, but they have no fee of the king, but their master's reward.

"The Porter of the castle of Tutbury.

"Hee is named by the chancellor, and made by the king's letters patent under his dutchie seale; his office is to keepe the gate of the castle, and lye in the porter's lodge att the gate. And hee shall keepe all prisoners brought to the castle, and have 5d. of every one of them at the entrie, and hee hath 30s. 4d. of fee yearly; and hee shall keepe the keys of the gate and of the lodgeing within the castle, and so keepe them cleane. And if any accomptant be committed to ward by the auditor or receivors for the king's duty, hee shall keepe them till hee be commanded to deliver them by the chancellor, auditor, or receiver. And hee shall not suffer the accomptant att the auditt tyme to depart out of the castle without a token from the receiver, and hee shall have 2d. of every accomptant at their going out. Alsoe the porter shall have dayly during the auditt tyme a messe of meate att dinner, and another att supper at the king's costs out of the auditor's kitchen, to have to the porter's lodge; and hee shall have alsoe of every inquest 4d. that is committed to the castle, because they did not agree to give their verdict whether it were for the king's cause or betwixt partye and partye, and 1d. of every one of them at their going out of the castle.

"The keepers of Needwood, Duffield fryth, Melbourne, Castle Dunnington, and of the High Peake.

"They are named by the king, and authorized by his letters patent under his dutchie seale. Their office is to keepe the king's deare of his wood within the walkes, and to walke his pale or bor-

der every day once att the least, and to serve warrants to them directed ; and their fee is some more and some lesse as the places be ; some be 1*d.* a day, and some 2*d.* a day, and some 4*d.* a day. And they may make their deputyes, but their deputyes have no fee of the king, but their master's reward, and certain profits after the custome of the ground of old tyme used and accustomed, for by custome they have used to have the windfallen woods and trees broken by the wind above the earth, so that it be to the quantity of halfe a load of wood and under two loads of wood, and break no earth. And if it be two loads of wood and above, and break earth it is the king's ; and if it be under half a load of wood, it is common to the king's tenants.

“ And the keepers shall have their swine tacke-free, have they more or lesse. And every keeper shall pay at the tacke day to the king 10*d.* whether they have swine or none, and the deputye keeper shall have of every tree, that is given, the crop and brake ; and the lodge to dwell in without any rent paying therefore, and shall have his beasts in the wood free, and yearly 12*d.* allowed him at the meating of the pale for the walking of his border and setting up pales. Alsoe the keepers shall have the skynnes of all deare that be killed out of season, being killed in their office ; and if a deare be killed or smitten, and not recovered, nor found before sun-setting, when it is of season, the keeper shall have the skyn, and if it be recovered before sun-setting, hee that smiteth the deare or letteth run the greyhound shall have the skyn. Alsoe the keeper shall have the left shoulder and the dighter of the deare ; the other shoulder and the chine and neck the collectors of the pales and wardes shall have, if they be there att the death of the deare. Alsoe the keepers of the wards shall have the shoulders of the deare smitten in the office, and recovered forth in another man's office if it be followed. And all chance deare recovered the skyn and shoulders be the keepers there as the deare is found and recovered. Alsoe if any be bloody-handed or standing att rutt-place or att a leap with his bow and arrow in his hands, the keeper may take him and bring him to the woodmaster, and then hee to bring him to the castle, there to remayne until hee have found surety to the steward to be of good abearing against the king for vert and venison, and against all the king's officers and tenants. And if there be a presentment made att the woodmoot by any keeper against any man

for hunting, or for the death of any deare, and the same presentment be affirmed by other keepers present, then the woodmaster may take him and have him to the castle, there to remaine untill hee have suretyes, as is beforesaid, which bond hee must certifie into the dutchie chamber. Alsoe the keepers shall have their offerings free on Candlemas day, and their parson and curate within whose parish they dwell, shall find them a taper of wax for their offering that day free without paying any thing for the same. And every keeper shall be privie to all trees fallen and carried away within their office, and present them att the moote. And every keeper shall have his quarter's suet for makeing of hounds. And every keeper of wardes shall have a bayste rope of them that be laid to baisting, when the baisting falls in their office, and all the wood that the baisters cut the first day is the keeper's, the residue that is cut after is common to the king's tenants. And the keepers of Sherrold park, Barton park, High Lynnes park, Stockley park, and Mansfield park, shall have but four beasts grasse, and one horse grasse for them and their deputyes. And the other keepers of close grounds shall have a horse grasse and six kine grasse, and their deputyes shall have two kine grasse and a horse grasse at the least, and upon some close grounds the keepers and their deputye shall have twelve kine and two horse grasse. Alsoe the keeper of Tutbury ward shall keep watch att the Bellmoote poole-head, and from evensonge on the ascension even untill sunsetting on the ascension day, and from evensonge tyme on our lady's even until sunsetting on that day. And likewise from evensonge tyme att Martlemas even, until sunsetting on Martlemas day, and he shall have 6*d.* yearly of the bayliffe or reeve of Tutbury for his labour. And 12*d.* paid to him yearly by the receivor, which is allowed att the auditt; and the keepers of Tutbury ward and Yoxall ward shall keepe watch on Bartholomew even from noon until sunsetting on Bartholomew day, att the tree called Sneytle Oke in Aylewardslye waye. And the abbott of Burton shall give him 12*d.* or find two men to watch there; and the king's customary tenants of Rolleston, Barton, and Marchington shall find them ale, and paye 12*d.* to them towards their costs. Alsoe in old tyme there was in every ward in Needwood one that did walke, and hee was called knave of the ward, and had in old tyme 10*d.* of them. Their office was to go every night to the border of the chace, and there to blow hornes, and to

keep the deare out of men's corne and grass, and to see that there were no gall traps, stakes, nor cords sett on the border for deare. They had no fee of the king, nor no manner of profits, but every tenant did give a certain quantity of corne; and now the keeper's deputies doe gather the same corn, and doe not that service.

" The collectors of the wardes in Needwood and Duffield fryth.

" They are named by the chancellor of the dutchie, and authorized by the king's letters patent under his dutchie seale. Their office is to gather the king's rents within the chases, of approvements, called assart rents for grounds inclosed taken out of the chace; and they shall gather all duties belonging to the king within their offices, as rent hens or silver for them, which is called defence silver for keeping of the border. Alsoe they gather nut rent, grass silver, and rent for baisteing, as it goeth about; and every collector shall gather the tack swine that fall to the king within their office, and shall answer the king for them; and the collector of Tutbury ward shall gather the tack silver, otherwise called the pannage rent, belonging to the king within the chace of Needwood. And likewise the collector of Hulland ward within the chace of Duffield fryth. And the collector of Tutbury ward shall provide for the tack dinner within the chace of Needwood, and the collector of Hulland ward likewise in Duffield fryth. And every reeve and keeper shall be att the tack dinner, and have every one his pye and a hen in it. And every collector shall pay 12d. for his dinner, and every keeper 10d. And the collector within whose office the woodmoot is kept, shall provide for the woodmoots dinners there as it is kept, and shall be allowed for the same of the king att the oversight of the woodmaster. Alsoe the collectors shall gather the straits of the woodmoots and the fynes there assessed, and they shall seize all waiffs and straits within their office, and all the cattle that be forfeitures within their office. And they shall drive the wood every quarter of a yeare once, or in May, Midsummer moon, and att Marlemas att the least; and seize for the king all cattle that is not marked, and all cattle of men's going on the common that ought to have no common within the chases; and all stoned horses that go in the wood that be above one yeare old and of the value of 10s. And they shall take for the king all byks of bees and other casualties belonging to the king

within their office, and yield account for the same. Alsoe they shall at the border of the wood, one having a hatchett and pale pins in a bagge to sett up pales blown down with the wind. And shall sell all manner of browseing in the wardes and parkes to the king's most advantage after it be praised, and all spilldings and other greene wood falling with the wind or otherwise by chance, so that it amount to the quantity of two loads of wood or above, what wood soever it be, and yield accompt to the king for the same. Alsoe they shall provide hay for the king's deare in every parke, and carry the pale and rayles, and see that the pale be sufficiently made, and the palers shall have the offall of old pale that will not serve againe. Alsoe they shall present att woodmoots faults done in the chace or parke, as falling of trees or greenewood, or the borders that be not sufficiently repayred, or fishing in the brooks in the wood or in the parkes, and hunters that kill the king's deare, or they that sett any hays or buckstakes, traps or springes for deare, and present concealments of keepers, and such as have not tacked their swine truly. Alsoe they shall present all unlawful cattle going in the chace. And every collector may lead a hound through all the parkes and wardes within the precincts of their office.

"The bayliffes of the franchises in Staffordshire and the High Peake.

"They are named and made by the king, and authorized by the king's letters patent under his dutchie seale. Their office is to sue all within the franchises, and to impannell all inquests, and to give summons to all such persons as be put upon pannell that dwell within the dutchie that they shall retorne and impannell at the assizes and sessions, and make retorne of precepts to them directed from the sheriffe and justices of the peace. And the sheriffe nor the sheriff's clerke, nor noe other officer, shall meddle within the dutchie, to execute any process, or put any man in possession of lands, or to make levy of any duty recovered, but only they. And they shall serve replevins and withernams, and make retorne of them, and they shall attache all persons within the dutchie against whom any precept is directed by writ, and neither the clerke of the markett nor clerke of the crown shall meddle within the dutchie. Alsoe the bayliffes of the franchises shall gather the greene wax within the dutchie, and seize and take all outlawed men's goods and

felons' goods, and the goods of such as committ murder within the dutchie. And they shall gather certain rents of assize of diverse townships within the dutchie and the king's farmes in likewise, as the sheriffe doth in other places guildable; but their charge is not certain, but some years more and some years lesse, as the chance of casualtyes happen; but the charge of rents of assize is always certain. And they shall always seize straits that be not in the accompt of other bayliffes of the dutchie, nor in the reeves accompts, nor sessed and presented by the king's thirdborowe att the great leete, and charged upon them att their accompt; and all such things as be not accompted for by other bayliffes and reeves, the bayliffe of franchises shall gather them and account for them."

NO. III.

"The bayliffe of the king's lordships within the honor; and the reeves of divers lordships within the same.

"The bayliffes bee named and made by the chancellor of the duchie, and they have the king's letters patent under the duchie seale, such as will sue for them, and their fees bee some more and some lesse; and some lordships have both reeves and bayliffes, and there is that has a bayliffe alone. The bayliffe shall gather all rents and duty belonging to the king, and where there is both a bayliffe and a reeve, the bayliffe serves the court, and gathers the fee rent and the amerciements, and the reeve shall gather the rents of custome lands. The reeve is always chosen at Easter leete by the king's tenants, and their office is, where there is no bayliffe, to gather the king's rents and profitts for that yeare, and where there is both a bayliffe and a reeve in one lordship, then it is as above-said: and if the reeve goe away and make noe payment to the king, the other tenants of the same holte within the same lordship shall answer the king all the whole dutye. Alsoe the bayliffe shall levye all the dutyes recorded in courts, and have att the shilling one penny, and for every plaint entered for copy land one penny, and for summoning every inquest betwixt parties one penny, and if the parties be essoyned after issue, and after the bayliffe summon the inquest againe, the bayliffe have one penny for his labour. Alsoe the bayliffe may seize all waifes and straifes and all felons' goods for

the kinge, and the seizure is good if he seize before the bayliffe of the free chase. Alsoe there are two bayliffes of Tutbury forrain court, the one in Staffordshire, called bayliffe Rodman, and the other in Derbyshire called bayliffe Agard: these bee the head bayliffes of the king's royalty, and they both shall serve Tutbury forrain courts. The bayliffe Rodman shall summon all that bee sued in Staffordshire, Leicestershire, and Warwickshire, and impannell the inquests there, and the bayliffe Agard in likewise shall summon all that bee sued in Derbysbire and Nottinghamshire, and impannell the inquests there. Either of them shall make levye of money recorded in Tutbury court within the precincts of their offices, and gather all the amerciaments and profitts of the court, and suit fines and certain rent that diverse gentlemen and townships doe pay the king for their libertyes, and to bee discharged of suits that they and other tenants should make to Tutbury court every three weeks. And they may seize all waifes, straifes, outlawed men's goods, and felons' goods, and other casualtyes, and diverse other dutyes, belonging to the king in diverse lordships they shall gather, and of all dutyes recorded within the precincts of their office they shall make levy, and have for every shilling one penny for their labour.

Walter Agard claimed to hold by inheritance the office of escheator and coroner through the whole honor of Tutbury in the county of Stafford, and the bailiwick of Leyke in the county of Notts, for which offices no evidence, charter, or other written document could be produced, but only a white hunting horn, ornamented in the middle and at each end with silver gilt, to which also was affixed a belt of black silk adorned with silver buckles, in the centre of which the armorial bearings of Edmund Earl of Lancaster were engraved, impaling the coat of Ferrers. The family of Ferrers of Tamworth appear to have first held this office, and it was brought into the Agard family by the marriage of Elizabeth, daughter and coheir of Sir Thomas Ferrers of Tamworth, with Nicholas Agard, who resided at Tutbury, in 1569; and from the Agards it descended to the Stanhopes of Elvaston, by the marriage of a coheiress of Charles Agard, the last male heir, in the reign of Charles the Second, with John Stanhope, Esq., of Elvaston. Charles Stanhope, Esq., of the same place, sold this hunting horn to Samuel Foxlowe,

Esq., the father of the present Rev. Francis Foxlowe, of Staveley near Chesterfield, for £500. in 1763, together with the offices of Prima Pars Agard, or the liberty or bailiwick thereof, and the offices of feodary and bailiff in fee, escheator, clerk of the market, and coroner within the honor. For a further account of this horn, I refer the reader to Blount's Tenures, page 25, and the third volume of the Archæologia, pages 4, 5, and 6. The office of bailiff Rodman also appears formerly to have been held in fee by a family of that name, and to have been released to Edmund Earl of Lancaster by a charter, of which the following is a translation: — "Be it known to all present and future, that I, Robert de Rodman of Yoxhall, have granted, released, and both for myself and heirs in perpetuity, have quitted from all claim to that illustrious person the Lord Edmund, son of King Henry of England, his heirs and assigns, all my bailiwick of fee of Tutbury, with its appurtenances, which I held from the same: so that neither I nor my heirs nor assigns, either for them or ourselves, shall ever reclaim any right to the aforesaid bailiwick with its appurtenances. I have also granted to the same Lord Edmund and his heirs or assigns, two shillings and seven-pence of annual rent, issuing out of the tenements, which I hold of the same Lord Edmund, in Yoxhall, to be had and received by my hand and that of my heirs or assigns, at the periods underwritten for ever; namely, one moiety at the feast of the blessed John the Baptist, and the other moiety at the feast of St. Martin. In witness whereof I have to this present writing affixed my seal; these being witnesses: — Master William Ryther, steward of the honor of Tutbury, Master Richard de Lonia, receiver of the same honor, Richard de Barton, clerk, Henry Cook, Ralph de Rolleston, Robert Hunter, Richard Clerke, and others."³⁴⁵

NO. III.

The bar-master's office, from the same MS. in the Harleian Library.

"The barmaster is made and named by the king, and hath his letters patent under the duchie seale. There is one in the High

³⁴⁵ The original deed is still amongst the MSS. in the office of the duchy of Lancaster.

Peake, and another in Wirksworth wapentake. They have noe fee of the king, but certaine profits att meating of the ore (that is, measuring the lead ore). There is a great court kept for the king, and the bar-master shall sue it, and warne it, and make an inquest and summon them. And many articles there belong to the said court, which there shall bee inquired of. The king shall find a dish to meat or measure the ore by, which the bar-master shall keepe, and bee att the meating of the said ore, and he shall sett the marke when the ground is meating. And if the ore bee gotten, then hee is coroner, and shall inquire if any man bee damped in the earth, or dead by any casualtye if any misfortune fall: and he shall seize all goods forfeited to the king, and shall have fourpence of the attachments that bee made of the ore. And hee shall hold the dish when the ore is meating; and if the ore bee gotten, and kept in the earth over foure months, the bar-master shall seize it for the king, and hee shall see that the king and the church have their duties, and the king have his lott and cope; and that noe man goe over his crosse racke, nor goe in with noe further racke into the crosse racke, and the amerciements of the court hee shall gather for the king, and yield accompt of the same."

Mr. Lysons, in his History of Derbyshire, informs us, that the mining concerns in the High Peak and wapentake of Wirksworth are still under the superintendence of an officer called a bar-master, who holds courts twice a year. At these courts all questions are decided respecting the duties payable to the crown or to the lessees, controversies relating to the working of the mines settled, and punishments inflicted for all offences committed upon mineral property. Debts incurred in working the mines are also cognizable in the barmote courts, which are held at Monyash for the Peak, and at Wirksworth for the wapentake. The brazen dish, by which the measure of the ore is regulated, is kept at Wirksworth; the records of the barmote court, which were kept in ancient times at the castle of the Peak, are now at Chatsworth. The Devonshire family have long been lessees of the mines in the hundred of High Peak, and the lease of those in the wapentake of Wirksworth has been recently purchased by Richard Arkwright, Esq., of Willersley.

NO. V.

Liberties and customs of different towns and free tenants within the honor of Tutbury, extracted from the same MS. in the Harleian Library.

“There be diverse towns that sue not to Tutbury court, nor pay no fynes for their suit, and they have both great leets and three weeks courts within themselves, and doe sue theire plaints in theire own courts: and they shall not bee compelled to sue att Tutbury court, and bee within the honor, and not of the honor: as, the hundred of Appletree, the hundred of Greysley and Repton, the lordship of Wichnor, the lordship of Yoxhall, the lordship of Duffield, the lordship of Hartington, the lordship of Melborne, the lordship of Spondon, and the lordship of Uttoxeter. Alsoe there bee towns of Dunnington fee, the town of Wirksworth, the town of Ashborne, the town of Newcastle under lyne, with the members, the lordship of Allarton, the lordship of Plumtree and Risley, the lordship of Brayston, with the members, the lordship of Kegworth, the lordship of Leeke, and the lordship of Broughton upon the Wold: alsoe there is in the high Peake diverse courts that doe belong to the castle of high Peake, and have great courts within themselves, and there bee diverse towns that doe sue to those courts: first, there is the castle court, there are two great leets, and small courts kept every three weeks, and many towns in the high Peake doe sue unto them, as other townships doe to Tutbury court: there are fynes paid for suits and for libertyes that diverse townships have. Alsoe there are two great courts kept at Tideswell, and small courts to be kept there every three weeks, and diverse townships sue to the same courts; and the courts of attachment be kept there twice every year, at which all defaults, escapes, and amerciements that be done in the forest there are brought in and presented by the foresters. There is alsoe a bowbearer and a ranger in the forest of the high Peake; they have fees allowed them by the king, the one £4. and the other £2. by the yeare, and the bowbearer shall have the game, and warne the keepers when hunting shall bee, and present all defaults of other keepers, as well in vert as in venison, and shall oversee the enjoyments in the forest, and present all incroachments within the

forest : and the ranger shall gather all the king's rents in the forest, and shall seize all waifs and strais, and drive the forest when hee will, and warne the courts of the forest, and shall see that the borders of the forest bee kept, and that there bee no saltries made in the forest, but such as have of old tyme been accustomed, and that there bee no sheep going upon the lands. And there are foresters of the fee in the high Peake, which shall walk in the forest there, and shall see that the king's wood and deere bee not destroyed. And they shall present all trespasses done in the forest, but they have noe fee of the king, but hold their lands of the king by that service, and these bee their names : The heirs of Barlowe, the heirs of Woodroffe, Thomas Needham, and the heirs of Bagshawe and of Woodland. These bee the foresters of fee : Thomas Menill, Nicholas Eyre, the heirs of Standley, the heirs of Oliver Woodroffe, and the heirs of Walter Heyckey. Alsoe the county bayliffe of the high Peake, and the five bayliffs there shall gather all the amerciements, escapes, and other certain casualties, and shall seize all waifs and strais, and gather the rents of forfeited lands, and accompt to the king for them. Alsoe there are foresters of fee in Needwood and Duffield fryth ; the foresters of fee in Needwood bee these, the heirs of Somerville forester of the fee in Barton ward, the heirs of Annesley forester of the fee in Tutbury ward, the heirs of Melborne forester of the fee of Yoxall ward, the heirs of Mynors of Blakenall for his land called Withell, forester of the fee of Marchington ward, the heirs of Mynors of Uttoxeter, forester of the fee of Uttoxeter ward. And these bee foresters of the fee in Duffield fryth, the heirs of Stone of Brockshawe, John Bradborne, Nicholas Kniveton, and the heirs of John Bradshawe. And all these foresters' offices bee to walk in the forests, and to see that the king's wood and deere bee not destroyed, and they shall present all the trespasses within their offices, and they have noe fee of the king, but hold their lands by that service. Alsoe there bee diverse freeholders and burgesses within the honor, that hold diverse manors, messuages, lands, and tenements of the king by diverse services as is contained in their deeds ; and libertyes and profits they have graunted unto them and have used to have some by custome, of the king, of long tyme continued, and some graunted by the Earls Ferrars, then being lords of the honor of Tutbury, or by graunte of the Duke of Lancaster, as appeareth by their

deeds; and by inheritance and tenure of their lands, as the foresters of the fee are above named, and diverse others that claime such offices there, as the heires of Ralph Cockayne, the heires of John Paule, the heires of Sterneley; and there bee alsoe diverse freeholders as well as those, that have graunts made to them and to their successors to have houseboote, hayboote, and fireboote in Needwood and Duffield fryth, and to bee free of tacke called pannage. And some claime to bee keepers of wards and parks, and collectors of wards by inheritance, and have a graunt to hawke and hunt within the forests and chases; and to go free of passage and toll in all faires and marketts, which all the king's tenants ought to doe within the honor, and soe have used tyme out of mind. And alsoe have common for all manner of beasts commonable within the forests and chases, as appeareth by the deeds of diverse now shewed before the said commissioners. These claime to have houseboote, hayboote and fireboote and libertyes within Needwood, and have used the same of long continuance: The Pryor of Tutbury, the Lord of Somerville, the Lord of Draycott, the heires of Kingley, the heires of Annsley, the heires of Chandos for lands in Marchington, the heires of Houndhill, the heires of Rolleston for lands in Rolleston, the heires of Cannock, the heires of Jeoneville, the heires of John Mynors for lands in Uttoxeter, Thomas Whittington, the heires of Melborne, the heires of Southerne, the heires of Bartholemew Audwinkle, the heires of Ferney Bentley, the heires of Marian Duffield, the heires of Yoxall, the heires of Sulney, the Lord of Blakenall, the parson of Hanbury, the parson of Rolleston, the parson of Tatenhill, and the parson of Yoxall: these claime for them and their successors. These claime the same libertyes in Duffield fryth: the abbot of Darley, the parson of Duffield, the parson of Muggington, the heires of Peter Nevill, the heires of Cordell, the heires of Bradbourn, the heires of Knyveton of Mercaston, the heires of Coterowe, the heires of Romston, the heires of Burton, the heires of Bradshawe, and the heires of William Pim, and have used the same libertyes tyme out of mind. And there bee noe freeholders that pay any frythsilver neither in Needwood nor Duffield fryth. Alsoe the burgesses of Tutbury, the burgesses of Uttoxeter, the burgesses of New borrowe, nor noe freeholders within the same townes shall pay noe herryotts nor frythsilver, nor

rent hens nor other duty, but after the deathe of their ancestors, the king shall have their chiefe weapon in lieu of a herryott, and they shall pay a fraunches penny, and goe free of all duties att all markets and faires for buying and selling. Alsoe the custom tenants in Annsley, Newbold, Tatenhill, Wichnor and Horecrosse, pay noe herryotts for their lands after the death of their auncestors as the custom tenants in other places doe, because it is mattocke land, and in those townships noe tenants doe. And they shall not bee compelled to keep up their houses as the customary tenants in other lordships bee. And in Tutbury the tenants shall pay no mortmaine. And many other libertyes and duties the burgesses and freeholders doe clayme in Needwood, as to go free of tacke or pannage for swine of their own nourishing, and to bee free of toll, passage, and pickage. And the king hath graunted by act of parliament to all his tenants and inhabitants within the honor, to goe toll free in all markets and faires within the realm, and many other libertyes the said burgesses have graunted unto them, as appeareth by the king's several charters to them made, such as to pay their chiefe weapon in the name of a herryott after the death of the tenants, which weapon must be brought in by the homagers into the court by custome, and the headborowe shall present it, and the headborowe shall seize all waifs and present them att the great courts, and they shall bee allowed for keeping them, and after they bee presented and praised they shall have them att the king's price before any other person; and many other things the headborowe shall present att the courts. Alsoe where there is a mattock land or other copyhold land, the king maketh the border and the gates, and where the border standeth upon the freehold most usually the tenants make the border, and the king findeth them timber, but att the lordship of Blakenhall, and the lordship of Horecros and Bellmote poole head, and Hanging bridge, the king maketh, and all the pinfolds within the king's lordships where reeves bee, and the king maketh all stocks, pillaryes, and cuckstools within all his lordships. Alsoe every inhabitant and tenant in Needwood and Duffield fryth shall have common in the king's forests and chaces at all tymes of the year for all manner of beasts of their own rearing, except beasts not commonable, as goats, sheep, and beasts of merchandise, and stoned horses that are above one year old and under the value of 10s.; and if any goats bee taken in

the common, the owner shall forfeit to the king £1. as often as they bee taken; and for every sheep taken on the lands in the said forests or chaces one penny, except the tenants doe keep them on the lands. And the tenants shall have for their common all stoole wood, that is, roots of trees fallen, hoar linte, blackthorne, and small boughs blown down with the wind, being the value of half a load of wood, and the wood cut off, or the lints in baisting tyme after the first day is common for the king's tenants. Alsoe the burgesses of Tutbury, Uttoxeter, Newborowe, and Ashbourne, and the inhabitants within the same, must bake att the common ovens, or else bee amerced. And all the tenants, as well freeholders as copyholders, must grinde att the king's mill, or else bee amerced, except such as are free by deed, or by graunt of the Earle Ferrers, or of the Duke of Lancaster, and except such of the tenants and inhabitants in Tutbury and Newborowe, who may grinde and bake where they will. Alsoe every tenant, freeholder, and other within Needwood and Duffield fryth, having common in the chases, must pay yearly to the king afore Martlemas or within three days after, for every swine pigged before Midsummer day one penny, and they shall have a bore and a sow free, soe that they have once been tacked for before, and doe not sell or kill them, for if they doe they must either tacke att the first tacke day or att the latter tacke day: the first tacke day is after St. Luke's day, and the other att Martlemas, and there must be days betwixt them, soe that the tenants have reasonable warning, and if any tenant doe not tacke his swine, but conceal his tacke, he shall forfeit his swyne and make fyne att the steward's pleasure; and every man as well freeholder as other, shall pay tacke, except that they used to goe free, and have graunts of the Earle Ferrars or Duke of Lancaster, by special records in their deeds, to goe free of pannage money. And the burgesses of Tutbury, Uttoxeter, and Newborowe bee free, and such as dwell upon burgage hold, for swyne of their own rearing; but noe copyholder shall goe free in any town, borough, or other, but pay as others doe. And every keeper shall pay ten pence for him and his deputye, and every reeve twelve pence, have they swyne or noe; and they shall pay it into the receiver's hands to the king's use; and if they make default of tacking their swyne, or payment of their tacke money as abovesaid, they shall forfeit their swyne and bee grievously amerced. And if the tenants' swyne lye together, they shall tacke

them together, and when a tenant hath seven swyne the king shall have one for the tacke, giving the tenant three-pence again, and att every eight the king shall have one, giving two-pence again, and att nine giving one penny, and if there bee ten the king shall have one cleare. And when there bee seven tacke swyne, the pryor of Tutbury shall have one and give the king three-pence, and att eight the pryor shall have one and give the king two-pence, and att nine the pryor shall have one and give the king one penny, and if there bee ten tacke swyne the said pryor shall have one cleare, and soe the pryor shall have the tythe of the tacke swyne after this rate, till it come to the number of seventeen tacke swyne, and if there bee seventeen tacke swyne or above, under the number of twenty-seven, then the knight of the shire, as in the interest of St. Johannes, shall have tythe of the tacke, and if there bee twenty-seven tacke swyne and above, then the pryor of Tutbury shall have the whole tythe of all the tacke. And every keeper and reeve in Duffield fryth shall pay for his tacke seven-pence. Alsoe there bee diverse townships and diverse freeholders about Needwood and Duffield fryth that have known burnes, that they marke their beasts, capulls and sheep with, when they putt them on the common, that their beasts, capulls and sheep may bee known by the officers in the chases, and to the tenants, and if any beast unmarked bee putt on the common, and the beasts of any townships that have noe common there bee putt on the common, and the officers seize, the owner shall make a fyne for the offence, or else forfeit his cattle at the pleasure of the steward and woodmaster. And if any man having common tacke beasts of outmen, and putt them on the common, they being not his own proper goods, both the tacker of such cattle and the owner shall make such fyne to the king, as shall bee assessed upon them.

“Alsoe the pryor of Tutbury shall have yearly on our Lady Day, the Assumption, a buck delivered to him of season by the woodmaster and keepers of Needwood, and the woodmaster and keepers of Needwood shall every yeare meet att a lodge in Needwood called Birkeley Lodge, by one of the clock in the afternoon on St. Lawrence day, att which day and place a woodmote shall bee kept, and every keeper making default shall lose twelve-pence to the king; and then the woodmaster and keepers shall choose two of the keepers yearly, as it cometh to their turns to be stewards, to provide for the dinner att Tutbury castle on our Lady’s Day, the Assump-

tion, for the woodmaster, keepers, and officers within the chase, and there they shall appoint in likewise, where the buck shall bee killed for the pryor against the said Lady Day, and where the buck shall be killed for the keeper's dinner. And on the feast of the Assumption the woodmaster or his lieutenant, and the keepers and their deputyes shall bee att Tutbury, every man on horsebacke, and soe ride in order two and two together, from the gate called the Lydyate, going into the common field called Lydyate field, unto the high crosse in the town, and the keeper in whose office the St. Mary buck was killed, shall bear the buck's head garnished about with a rope of peas, and the buck's head must bee cabaged³⁴⁶ with the whole face and ears being on, and the single of the buck with two pieces off at one either side of the single must bee fastened upon the brow antler on the same head. and every keeper must have a green bough in his hand, and every keeper that is absent that day, being neither sick nor on the king's service, shall lose twelve-pence. And soe the keepers shall ride two and two together till they come to the said crosse in the town, and all the minstrells shall goe before them on foote, two and two together, till they come to the said crosse, and the woodmaster, or in his absence the lieutenant, shall ride hindermost after all the keepers; and att the said crosse in the town, the foremost shall blow the secke, and all the other keepers shall answer him in blowing the same; and when they come to the corner against the Guildhall the foremost keeper shall blow the recheate,³⁴⁷ and all the other keepers shall answer him in blowing the same; and soe they ride still until they come unto the church-yard, and then they light, and goe into the church in like array, and all the minstrells shall play on their instruments during the offering tyme; and the woodmaster, or in his absence his lieutenant, shall offer up the buck's head and fourpence in silver, and every keeper shall offer one penny; and as soon as the buck's head is offered up all the keepers blow a morte³⁴⁸ three tymes, and then all the keepers goe into a chappell, and have

³⁴⁶ Caboshed, is when the head of a beast is cut off close behind the ears, by a section parallel to the face; and the single is the tail of the buck.—*Bailey's Dict.*

³⁴⁷ A recheat is a signal which the huntsman winds on his horn, when the hounds have lost their game, to call them back from pursuing the counter scent. A secke is a signal given by notes of the horn, to pursue the game.

³⁴⁸ A morte is the sound which the huntsman gives with his horn upon the death of the game.

one of the monks ready to say them masse, and when masse is done all the keepers goe in like array up to the castle to dinner, and when dinner is done the stewards goe to the pryor of Tutbury, and hee shall give them thirty shillings yearly towards their charges of their dinners, and if their dinners come to more, then the keepers shall beare it amongst them. And on the morrow after the Assumption there is a court kept of the minstrells, att which court the woodmaster or his lieutenant shall bee, and shall see that every minstrell dwelling within the honor, and making default, shall be amerced, which amerciamento the king of the minstrells shall have, and after the court is done, the pryor shall deliver the minstrells a bull, or eighteen shillings in money, and shall turn him loose amongst them, and if hee escape over Dove river from them, the bull is the pryor's owne again, and if the minstrells take him, ere he get over Dove, the bull is their owne.

"And the pryor shall have yearly in one of the four wards two carts going daily with three horses in a cart in the summer, and they to goe twice a day if they will, and in winter six horses and one cart, and to goe but once a day. And in midsummer moone nor in woodsear tyme the pryor's cart shall not goe within the chases, nor noe carrying else to bee made there, unless it bee for the king's reparations. And every year the pryor shall change his going with his cart into a several ward of the four wards, Tutbury ward, Barton ward, Yoxall ward, and Merchington ward, and soe goe about every fourth yeare, but in Uttoxeter ward his cart shall never goe. Alsoe the pryor shall have forty-eight loads of wood carried betwixt the tack days, and the pryor shall have tack swine as is aforesaid, or else fourteen pence paid him for every tack swine by the receiver on the latter tack day. And the receiver payeth to the kitchener on the latter tack day fourteen pence: and the pryor hath for his tythe of the homages of the parkes, and for the tythe wood, stone, fish, swannes, and for the tythe of deer a certain sum of money paid yearly by the receiver's hands as it cometh to; and in likewise the parson of Duffield hath paid to him by the receiver yearly £3. 7s. 6d. for his tythes in Duffield fryth, and many other profits and libertyes the said pryor of Tutbury and vicar of Duffield have, which bee not here specified."

NO. VI.

Liberties and customs of the tenants at will within Needwood and Duffield Fryth, from the same.

“There are both copyholders and custom holders, and they both bee tenants at will after the custom of the manor where the land lyeth. The customary tenants most commonly bee tenants of the bondholds which hould their meises, lands, and tenements under this forme as followeth:—Every one that bath a meise, a yardland and meadowe thereunto belonging, or a messuage and a half yardland and meadowe thereunto belonging, that is of the custome hold. that is called bond-hold, they shall come into the court afore the same steward, and take the same to have to him and his heires, or to him, and to his wife, and to his son, and to the heires of one of them after the custom, or to him that he will sett unto, and the surrender to bee made in open court, and the fyne there assessed: the fyne is for a reeves-holding the value of the land for one year over all charges, rents, and services, or else thirteen shillings and four pence. And if it bee other copyhold land, that is, no reeves’ holding thing, then the fyne is as the taker can agree with the steward for more or less. And there shall noe man have but one reeves holding in his hand att once, nor occupy more; nor noe outman shall have any of the bondholding but such as will dwell on them, because the king shall not lose his customs and services, and if they doe occupy them otherwise, they shall be seized into the king’s hands. Alsoe the eldest son shall inherit the land that is bond land as well as hee shall doe other lands; but if the tenant of custom hold have issue daughters, the eldest daughter shall have it, and it shall not bee divided; for by the custom these holdings shall not bee divided nor severed, and there shall noe such tenants sett theire meises and farms without lycense of the chancellor or steward. And they shall have tymber for their insetten houses and barns, and for noe more houses. And they shall find surety to pay their rent, and to doe their service, and to uphold their tenements. And if any such tenant doe fortune to dye, his heire being of full age, then the wife shall have the whole holding by the space of a month after his death, if she continue so

long sole and unmarried, and att the month's end then the heire to take it. And if the heire att the tyme of the death of the ancestor happen to bee within age, then the child and land both shall bee committed to the wife of the tenant if she bee sole and unmarried, or else to the next of blood to the child to whom the inheritance cannot descend till such tyme as the heire cometh of full age, and they shall make fyne therefore, and find surety to pay the rent and services, and to uphold the tenements. And the testament of all such tenants of the bond-hold shall bee proved before the steward in the open court wherein the lordship where the tenant dwelled, and noe where else. And every such tenant of custom-hold that hath a meise and a yardland and meadowe thereunto belonging shall gather the king's rents within that lordship where that land lyeth when it comes to his turne, and all such tenants of every lordship where such custome land is shall every yeare att Easter court chose them a reve to gather the king's rents and other duties within the same upon payne of forfeiture of their tenures.

"Alsoe the tenants of copyhold or custom hold may surrender their meises, lands, or tenements in the same court and lordship where the lands lyeth to the steward's hands in their proper person, or by a letter of attorneye made to another to surrender it up in his name, but the surrender must be made in the same courts and lordship where the land lyeth; and there can noe surrender of any copy hold lands or custom lands bee made to any person or persons hands, but to the hands of the steward or his deputy or clerk of the courts for the king, and to noe other officers hands; and that must bee done in the same courts and lordship where the land lyeth, or the surrender is void unless it be for certain considerations, as for danger of sicknesse, going into the king's service, or to the holy land, or such other like causes, and in all these cases the surrender made into the steward's hands, or his deputye, or to the clerke of the court's hands, out of the court is good except it bee for cause of sicknesse; and if any such tenant doe make any such surrender out of court, and afterwards bee seen in health either att the church, mill, or markett before the next court kept, then such surrender made out of court is void, and the tenant shall pay a herryott to the king. But in the lordships of Tutbury and Agardsley the tenants may surrender their copylands to the hands of the

bayliffe, and hee to present it att the next court; and in these two lordships whether the tenants live or dye the surrender being presented att the next court is good. And every tenant of copyhold or custom hold that dyeth seized thereof shall pay a herryott, except certaine places and townships that is mattocke lands, as Newborrowe, Horecrosse, and diverse other towns in which by the custom the heire shall pay no herryott after the death of the tenant, but his chiefe weapon, or the value thereof, which shall bee presented at the next court by the headborrowe and brought in by the homagers. And every tenant that is taken of any such lands, either customhold or copyhold may desire for his surety to have three proclamations made att three several courts, and if no man come to reclaime the said lands, then such person as the steward addmitteth tenant shall enjoy the lands after the custom of the manor; but if it bee a woman covert, or a child within age, or a man out of the land by the king's lycense, or one that is not of perfect mind, or else is deafe or dumb, for all such persons may have again the surrender and proclamation, and maye attchieve their clayme. Alsoe, if a woman covert depart from her land by surrender, she shall be examined by the steward, or else it is voidable, and if she be examined after her husband dye she shall bee barred. And if any tenant give his land away that is copyhold by deed, and make livery and seizin thereof, such tenant shall forfeit his tenure, and all his other lands that he hath that are either copyhold lands, or custom-lands, and they shall bee seized for the king, and the king answered of the profits thereof. All the copyholders and customholders may fish in the brooks twice a week with shovenetts, and they shall have their beasts laid to herbage in the parks before any outman, and they shall have '*deer-fallen wood*' of the king's prise after it bee praised before any outman, and their swine laid to pannage in the king's parks in pannage time, paying fourpence for a swine and a farthing for the gate-silver. And the copyholders and the custom holders pay more rent, and doe more service for their tenements than other tenants doe for their lands, for every acre of copyhold or custom hold payeth four-pence att the least, and some sixpence, and some eight-pence, as the custom is, and doth other service to the king, and doe gather the king's rents when it comes to their turn to be reeve, and diverse other services and customs they doe which other tenants doe not.

"Alsoe, if any tenant that is in the honor sue another in any personal action, as debt, trespass, or other like in any other court but att Tutbury, except the action bee of forty shillings or above, or else it bee for custom lands, he that sueth without shall lose for every plaint sued out of Tutbury court forty shillings to the king, and in such case the steward may send two-pence to the court where plaint is afore levye made and fetch it thence, and there shall noe tenant pay any duty for entering on any personal plaint in Tutbury court but one penny for the essoyné, one penny for the continuation, and two-pence for the levare. And if the debt be above three shillings and four-pence, then the steward shall have two-pence for the judgment giving and entering; and if it bee under three shillings and four-pence, then the steward shall have one penny and the bailiff one penny; and if the plaint bee for land, then the plaintiff shall pay two-pence to the steward for entering of the plaint, and one penny for summoning, and fourpence to the steward for judgment giving.

"Alsoe the customary tenants that sue for the delivery of timber for the reparation of theire meises and barnes shall have a warrant of the chancellor or of the steward, and shall pay to the stewards for the same two-pence, and one penny to the surveyor's deputye, and every tenant that hath a pearch of the border to make about the chase as well as of the parks as wards either with hedge or pole if it bee defective shall lose to the king one shilling for every default, and in likewise every gate that the tenants ought to make if it be defective, the tenant shall lose six shillings and eight pence, and further to be amerced by thē discretion of the steward. And there shall noe tenant, freeholder or copyholder, sett his common in the wood to farm, but occupye it with his own cattle, or with beasts taken to halves to occupy his land withall; and there shall no tenant pole maste within the common, but take it as it falleth, and if any doeth contrary he shall lose seven pence to the king, and further make fyne at the steward's pleasure. And the tenants of custom hold pay yearly to the king a certain rent for baisting in one of the foure wards, soe that in foure years it goes about; and if any tenant doe baiste any lynt³⁴⁰ that is not laid to

³⁴⁰ Baisting lynt means peeling the bark off the linden or lime trees, which formerly grew in great abundance on the forest of Needwood. When peeled they made the bark into ropes, called "Bast ropes," which were in general use before

baisting, or in any other office gett baiste, he shall bee grievously amerced, and in midsummer moone there shall noe tenant gett any baiste, altho' they be laid to baisting, nor noe tenant shall have swine within the chase going in Midsummer moone, that is over three quarters of a yeare old. And the tenants of copyhold and customhold pay to the king rent, henns, frythsilver, and diverse other duties for theire libertyes."

NO. VII.

"Orders made by the jury sworn at the woodmote of our sovereign lord the king, held at the castle for his forest or chase of Needwood the 18th day of September, in the 8th year of the reign of king William, A. D. 1696.

"Ordered that the keepers of the several respective wards and walks shall carefully and diligently every day walk the borders for the preservation of his majesty's wood and game within the said forest and parkes, for the apprehending of offenders therein, upon the penalty of 5 shillings for every default thereof presented at the woodmote courte.

"Ordered that no deputy keeper or his servant shall at any time carry any bow or gun within the said forest or parkes, except for the serving any lawfull warrants, and except upon notice of any offenders in the said forest or parkes, in order to their own defence and the due apprehending of such offenders upon paine of forty shillings.

"Ordered that every keeper, by himself or his deputye, neglecting to make true presentments of any of the said trespasses or offences done within their respective offices, shall be fined or amerced £5. upon information upon oath, or being presented thereof at the woodmote court, and likewise lose their office, to which intent it is hereby further ordered, that the steward or deputy steward that

the introduction of hemp; after that time we find the lime trees on the forest neglected to such a degree that few of them were to be found upon its inclosure.

Hoar lynt was the white wood of the lime which remained after it had been disbarked, and which was the perquisite of the tenants as well as the wood cut for the winter food of the deer, commonly called "Deer fallen wood."

keepeth the said woodmote court shall certify every such default to the honourable court of the duchy chamber, the term following in order, that every such offender may be there proceeded against for the forfeiture of his office according to law, and that all keepers fail not to present those that incur the penalty of the law by laying of hemp in any of the rivers or pools within their precincts.

“Ordered, that all the said keepers, their sons, or servants, being any ways employed in the executing the said office, shall make presentments upon their oaths at the woodmote court of all such things as are to be presented concerning his majesty's woods and game, and all other offences there inquirable done or committed within their several offices, upon pain that all such keepers that shall neglect such presentments so to be made by themselves, deputies, sons, or servants, or any of them, shall forfeit for the first neglect and offence £5. and for the second loss of office as aforesaid.

“Ordered, that whosoever gives information to this court or to the woodmote court to be holden for the forest, of any offences or any other neglects committed or done by any of the said keepers or officers, and shall prove the same sufficiently by oath, shall for his good service to be done by such information in such fine and allowance, as shall be due for one whole year to such keeper or officer so offending, to be paid to the said informer at the audit then next following such proof made.

“Ordered, that from henceforth no keeper of the forest shall fall, stock, or crop any tree in the said forest, or shall make any spoil or waste by cutting of deer browse there, or shall for browse any bigger wood or boughs, that a male deer is able to turn over with his head, or shall have or take for their firewood, or any other use, or shall sell give or consent to be taken, any of the king's wood, of what kind soever, within the said forest (deer browse, for their own fire, and stool wood, and hoar lynt excepted) upon pain of forfeiture of 40 shillings so offending, and that the said keepers shall carry all such their firewood on their own steed or carts and not otherways, on the same pain ; provided always it shall be lawful for the surveyor, the king's ax-bearer, or his deputy, to assign and appoint the keepers of the said forest some few convenient crops at seasonable times in the year, and also the dead trees : if it shall appear that the deer browse within their several offices shall not be

sufficient for their firewood ; provided nevertheless that the ax-bearer or his deputy do not within ten days after demand made by the said keepers, set them out convenient crops and dead wood for their necessary fencing and firewood, that then it shall be lawful for them to take the same.

“ Ordered that no person from henceforth fall, cut, carry, buy, or receive, or be consenting to the falling, cutting, carrying, buying, or receiving any of the wood growing in the said forest or parks, or any of them or any part of them, upon the penalties ensuing, viz. for timber he shall be fined according to the rate of £3. per ton, be it more or less ; for firewood and greenwood at the rate of one shilling a man’s load, and three shillings a horse load, be it more or less, and for a trowfull drawn by one beast four shillings, and for a cartfull drawn by one beast six shillings, and if by two beasts double, and so proportionable.

“ Ordered, that whosoever cutteth a timber tree, or causeth it to be cut down without lawful authority, shall be amerced 20s.

“ Ordered, that whosoever felleth a dead tree, that is only for firewood, shall forfeit 10s.

“ Ordered, that whosoever croppeth top boughs, and so defaceth the tree, shall forfeit 6s.

“ Ordered, that whosoever cutteth down any young sapling oaks shall forfeit £5. 20s. of which shall go to the informer for his reward.

“ Ordered, that the presenters of such offences shall swear unto the true value to the best of their understanding, without adding or diminishing, as also what kind of wood and how conveyed.

“ Ordered, that all such persons as are not able to pay amerciaments, shall be punished according to the statute made against wood spoilers and hedge breakers.

“ Ordered, that no person burn or cause to be burnt, any gorse, heath, fern, or other bracken, on penalty of 3s. 4d. for every such offence, and more if the jury at the woodmote think fit.

“ Ordered, that no persons hereafter at any time beat, peel, shake down, pick or gather any acorns or mast within the said forest, or cause the same to be done, on penalty for every such offence to lose 4s.

“ Ordered, that no person shall at any time cut or fell any browee

in the said forest for his cattle, upon the penalty of 5s. for every such offence.

"Ordered, that the instruments wherewith any of the offences aforesaid, concerning vert wood or bracken, are committed, if the offenders are taken in the manner, shall be seized and detained by the person that takes them.

"Ordered, that whosoever marketh with a counterfeit brand, shall forfeit ten pounds, and that all cattle discovered to be so marked shall be seized, appraised, and sold towards the aforesaid fine, and whosoever secretly procureth their own town brand, and marketh their cattle therewith without the knowledge of the keepers of their brand, or do not give notice to their burner, to enter their beasts so privately marked into his book, shall be fined and punished as aforesaid, and if every marker shall yearly change his burne, to have the year of our Lord annexed to it, to prevent all abuses that may happen for the future on pain of the penalty aforesaid.

"Ordered, that every commoner shall bring his cattle to the burner of his own township, that they may be lawfully burned and booked, before he putteth them to depasture in Needwood upon the penalty aforesaid.

"Ordered, that he who hath right of common, and puts in beasts not commonable, shall forfeit for every beast 20s.

"Ordered, that he that puts in beasts merchandised, viz : such as he buys at one market to sell at another, shall forfeit 20s. as aforesaid.

"Ordered, that he that puts in any stranger's cattle, pretending they are his own, shall forfeit as aforesaid.

"Ordered, that all commoners whatsoever, having notice given, shall come and assist at the public drift, or else to send his deputy, and be amerced 5s. upon complaint of the usual officer.

"Ordered, that whosoever doth convey any cattle out of Needwood privately, after notice is given of the public drift, shall forfeit the said cattle, besides 10s. a piece unto the informer and them that seize them ; but in case the cattle cannot be seized after they have been so privately conveyed away out of Needwood aforesaid, that then they shall be amerced double the value of the cattle, besides 5s. a piece to the informer.

"Ordered, that whosoever for the future is possess of any lodge

by grant or otherwise, shall set the said lands to farm or rent, whereby the under-keepers are deprived of a subsistence, that such lodges so set to rent or farm shall be forfeited, being duly proved upon oath before the woodmote jury or duchy court.

“Ordered, that no parks, hays, or lodges, have any right of common within the forest.

“Ordered, that if any person shall convey any of their maulture or grist to any other mill than the wood mill belonging to the king's tenants in right of his honor of Tutbury, against the ancient custom and right belonging to the said mill, to the prejudice of his majesty or his tenants, shall forfeit for every such offence 5*s.* and that every keeper so offending contrary to all custom and right, shall for every such offence forfeit 6*s.* 8*d.* being lawfully convicted thereof before the jury of the woodmote or in the duchy court, provided they can shew no lawful reason to the contrary or bad usage.

“Ordered, that no new cottage be erected hereafter in or upon the forest, or upon any freehold land near or adjoining to it, but shall by the keeper of the adjacent ward be presented at the next quarter sessions after such erections, upon penalty and forfeiture of £5. from the said keeper; and that no commoner or any other person shall presume to erect any cottage hereafter in or near the forest aforesaid, upon forfeiture of £10. before the woodmote jury convict, and the cottage to be pulled down.

“Ordered, that all burgage things have free common on the forest, viz. for every messuage three beasts gate, and for every £3. per annum one beast, for every ancient cottage two beasts, for every new cottage one beast, provided it is not erected within the forest; and it is farther ordered, that no person or persons shall keep in any inclosure that is part of the forest upon penalty of 20*s.* per acre so kept in, and after that rate to pay more or less.

“Ordered, that every keeper that shall find any dead cattle or horses unburied within his ward, shall give notice of the said dead beast unto the owner thereof, if it can be known whose he is by mark or otherways; but if the owner cannot be found out, the keeper shall cause him to be buried, and have the skin towards his charges, and if afterwards the owner shall justly challenge the skin, he shall recompense the keeper for his charge and trouble at the direction of the steward; and if any commoner shall find any beast

or horse dead in the forest, he shall declare it to the owner, if by the mark he can discover it, or unto what township it belongeth, and if not unto the keeper of the ward; that if any neglect of the nature aforesaid happen either in the owner, or keeper, or commoner, such person and persons, and every of them, shall be amerced at the discretion of the woodmote jury. And lastly it is ordered, that every person who shall put any cattle into the said forest after the 25th day of March next coming, shall before he turns his cattle therein, bring them to the marker to have them marked with the town burn, and entered into his presentment for the year ensuing: and further that all the said markers upon penalty of 40s. a piece, shall some time before the 25th day of March aforesaid, and before they mark any commoner's cattle, cause the figure 7, being the last figure of the year of our Lord next ensuing, to be affixed unto their said marks, and that all future markers shall yearly and every year cause the old figure to be taken out of their burns, at the town's charge, and a new figure to be affixed thereto according to the year of our Lord, on the penalty aforesaid; and that for the better preservation of the said forest, it is ordered that four pounders be sworn for the four wards, and that they take and drive away all such cattle as they shall find in their own wards which are not commonable cattle, and all manner of cattle that are not marked with the mark according to the year of our Lord, and to take them to the pound, that is to be erected for the same ward, and shall receive for their pains for every horse or beast 1s. and for every sheep 4d. besides reasonable charges for keeping the said goods, if they be at any; and farther, that they present the owners' names of the said cattle, by them so impounded, and the number of them, and what kind they be at the next woodmote court, that the offenders may be punished according to the custom and usage of the said forest, and farther that the markers of every town belonging to the said forest shall have 6s. 8d. for each township out of the extracts and amerements as formerly hath been allowed.

“Signed by HENRY VERNON, Steward,

“RALPH ADDERLEY, Deputy Steward.”

NO. VIII.

A translated copy of the Agardsley charter.

“To all the faithful in Christ to whom this present writing may come Robert de Ferrars sends greeting:—— Know all that I have given and by this present charter confirmed to all burgesses in my free borough of Agardsley who wish to take the same, that each may have with his burgage three acres of land, namely, two acres arable and one to build a burgage house upon; I have besides granted that they may have all their swine upon their burgages going free from pannage every year in all my forest, except only in my hays which are now inclosed, and I have also granted to the same that they may have each year by my gift one doe in my forest of Needwood at the celebration of their fair. I have likewise granted to them every day of their fairs one pipe of wine during the celebration of the fair for the next seven years; and moreover I have conceded to the same, that neither I nor my heirs or successors shall make any caption from them against their will during that time, nor within fifteen days following. And I have also granted to the same that they may be free from all tallage and passage money, and toll throughout all my land for ever; and I have given them houseboote and hayboote for all their burgages under the view of my foresters, besides having granted them pasture for their cattle in all my forest, except in my hays that are now inclosed; and they shall give for every cow one penny, and for every mare one penny for salvage yearly; viz. at the feast of St. Michael the archangel. I have also granted to them that they may have a highway of four yards in breadth leading to Bromley to the tenement of Ralph Carter, and from the tenement of the said Ralph to Swernburn, from Swenburne to Stonysitch, from Stonysitch to the carriage way towards Tutbury: I have also given them three other roads useful for the borough of Agardsley, and a custom that if any of them wishes to have an oven to make his own bread, he shall pay nothing unless he setts the same; I have besides given them permission to grind wherever they will without any hindrance or ob-

struction. All which burgages and privileges shall be held of me and of my heirs by them and their heirs and assigns, unless they be religious men or Jews, freely, quietly, and peaceably, with all liberties, &c. thereunto belonging, upon the paying to me and my heirs every year by them, their heirs or assigns for every burgage eighteen pence at two periods of the year, that is to say, at the feast of St. Michael nine pence, and at the feast of the Annunciation nine pence. And if it shall happen that any burgage be empty and void beyond one year and a day, then the other burgesses shall answer for the rent of the same as of others, together with all service, secular exaction, and demand to free burgages belonging, saving to me and my heirs from the same burgesses our tallage and assize of bread and victuals, goods and cattle levied in the said burgages, and services due at our courts, holden at the feast of St. Michael and at Easter. And I, the aforesaid Robert and my heirs, all the said burgages and all other things as aforesaid to the said burgesses and their heirs, against all men upon the performance of the above-mentioned service, acquit and for ever will defend. And we farther grant to the same, that they shall have the same assize that the burgesses of the town of Stafford have, in confirmation of which gifts I have set my seal to this charter before witnesses, &c."

NO. IX.

"Charter of the town of Uttoxeter."

(Translated copy.)

"To all men that shall see or hear this present deed, William de Ferrars, Earl of Derby, sendeth greeting in the Lord: Know ye, that we have granted and by this present deed confirmed for us and our heirs, to all our burgesses of Uttoxeshather, that they hold from henceforth freely their burgage and burgages, with the appurtenances in the same town of Uttoxeshather, as some of them have formerly been assessed, and others hereafter shall happen to be, with free ingress and egress, to be held of us and our heirs to them and their heirs or assigns and their heirs for ever, as freely and as de-

cently they shall and may hold the same as free burgesses, with all liberties, free common, and easements to a free borough belonging, yielding to us yearly and to our heirs for every burgage separately twelve pence sterling at two terms of the year, viz ; one half at the Annunciation of our Lady, and the other half at the feast of St. Michael, for all secular service, custom, and exactions to us and our heirs belonging. We have granted also to the said burgesses and to their heirs as abovesaid, that they may take within themselves upon their burgages aforesaid chapmen and other free men whom they will, enfeoffing them or granting them other easements within the said borough without injury to the same, and without hindrance of us and our heirs, saving our service in all. And further we will, that none carry on any trading within the said free common or liberty without reasonable and accustomed toll. We have granted also to the said burgesses and their heirs as aforesaid, and to all being within their commonalty, that they shall be within all our own lands and liberties free from toll wheresoever they shall pass for ever, saving other men's charters and liberties made and used before this deed. All these things aforesaid we have granted within the said commonalty of the aforesaid burgesses for ever, saving to us and our heirs a reasonable toll of all our said burgesses and their heirs or assigns, and of all within their commonalty being, when as our lord the king that for the time shall be shall tax all his boroughs throughout England, so as the said tax be gathered by the hands of two burgesses to the use of us and our heirs, and also saving to us and our heirs the ovens and market, with their profits, and the site of the borough and market and of the court leet also from them with pannage and all other liberties without our said borough, but so as the said burgesses and all within their commonalty being, have common and herbage within the ward of Uttoxeshather, where the men of the said town have been wont formerly to outcommon without our hindrance, so as it may be lawful for us and our heirs to make our profit of all other lands and tenements, meadows, pastures, woods, marshes, moors, and in all other places within the aforesaid town and ward, without contradiction of the said burgesses or their heirs. And if it happen that any burgage belonging to us or our heirs, by any means or by fire shall be in lack of occupation or service by the space one year, then for want of a tenant the whole

commonalty of the burgesses of the said town's street after the year shall take the said burgage into their hands, and make the best profit thereof, and answer to us and our heirs for the farm and service thereof, without any claim of him or his, who first held the said burgage : wherefore we will and grant for us and our heirs, that all things aforesaid be observed and kept to the said burgesses and their heirs for ever. In witness whereof this my present writing with the strength of my seal for me and my heirs I have fortified. These being witnesses, Hugh de Meynell, Robert de Essebourn, Robert de Punchardun, Richard de Mortimer, Jeffrey de Caudrey, Robert de Merinton, Thomas (then rector of the church of Uttoxeter) Robert de Stretton Clerk, Jordan de Grindon, John de Twyford Clerk, and William de Rolleston. Dated at Uttoxeter on the day the Assumption of the Virgin Mary, in the year of the reign of king Henry, son of king John, the six-and-thirtieth."

FINIS.





